Trade of Erie, Pa.; of Commercial Exchange of Philadelphia, Pa.; of the Chamber of Commerce of Milwaukee, Wis.; and resolutions of the Legislatures of Minnesota; of Wisconsin; of Illinois; of Michigan; of the Chamber of Commerce of Minneapolis, Minn.; of the Board of Trade of Chicago; of board of managers of New York Produce Exchange; of Board of Trade of Duluth, Minn.; of citizens of Waterbury, Conn.; of Genesee, N. Y.; of Milwaukee, Wis.; and of Duluth, Minn., asking that the United States acquire title to the two canals connecting Portage Lake, Michigan, with Lake Superior—to the same committee.

By Mr. MURPHY: Petition of citizens of Iowa, asking that all imitations of butter and cheese be labeled with a United States stamp imposing a tax of five cents per pound—to the Committee on Ways and Means.

By Mr. CHARLES O'NEILL: Memorial of many persons engaged in this country in the manufacture and sale of macaroni, vermicelli, and like products, asking that those articles be taken from the free-list and a duty imposed on the same—to the same committee.

By Mr. T. B. REED: Petition of citizens of Cleveland, Ohio, against the renewal of fishery treaty with Great Britain—to the Committee on Foreign Affairs.

By Mr. SENEY: Memorial of A. E. Dickenson and others, about woman suffrage in Utah—to the Committee on the Judiciary.

By Mr. SYMES: Petition of Assembly of Knights of Labor, for free silver coinage—to the Committee on Coinage, Weights, and Measures.

By Mr. WAIT: Petition of Charles Young, for relief—to the Committee on Claims.

By Mr. T. B. WARD: Petition of citizens of Hamilton County, Indiana, asking that soldiers and sailors of the United States Army and Navy be pensioned—to the Committee on Invalid Pensions.

By Mr. A. J. WARNER: Petition and papers relating to the claim of Battelle and Evans—to the Committee on War Claims.

Also, papers in the case of Francis Hammond—to the Committee on Claims.

By Mr. WHEELER: Petition of re-enlisted veterans of the Union Army and Mexican war—to the Committee on Pensions.

By Mr. WISE: Resolution of District Assembly No. 84, Knights of Labor, Richmond, Va., in reference to international copyright—to the Committee on Patents.

The following petitions, praying Congress to place the coinage of silver upon an equality with gold; that there be issued coin certificates of one, two, and five dollars, the same being made legal tender; that one and two dollar legal-tender notes be issued, and that the public debt be paid as rapidly as possible by applying for this purpose the idle surplus now in the Treasury, were presented and severally referred to the Committee on Coinage, Weights, and Measures:

By Mr. BLAND: Of citizens of Utah.

By Mr. TOWNSHEND: Of citizens of Jefferson and Franklin Counties, Illinois.

SENATE.

MONDAY, *January* 25, 1886.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of the proceedings of Thursday last was read and approved.

SENATOR FROM MISSISSIPPI.

Mr. GEORGE presented the credentials of EDWARD C. WALTHALL, chosen by the Legislature of Mississippi a Senator from that State to fill the vacancy caused by the resignation of Lucius Q. C. Lamar in the term ending March 3, 1889.

The credentials were read.

Mr. GEORGE. I ask that the oath of office be administered to the Senator-elect.

The PRESIDENT *pro tempore*. The Senator-elect from Mississippi will please come forward and take the oath of office.

Mr. WALTHALL advanced to the desk of the President *pro tempore*, escorted by Mr. GEORGE, and, the oath of office having been administered to him, he took his seat in the Senate.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting, in compliance with a resolution of the 19th instant, certain information in relation to the amount of United States bonds called for payment February 1, 1886, held by national banks; which, on motion of Mr. INGALLS, was referred to the Committee on Finance, and ordered to be printed.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in compliance with the act of July 5, 1884, a report of the Quartermaster-General as to purchases of supplies made by his department during the fiscal year ending June 30, 1885; which was read.

The PRESIDENT *pro tempore*. The communication is accompanied with a large mass of papers, which are in the Secretary's office. What shall be done with the communication?

Mr. INGALLS. I move the reference of the communication, with the accompanying papers, to the Committee on Military Affairs, that they may decide whether they shall be printed or not.

The PRESIDENT *pro tempore*. If there be no objection that reference will be made.

Mr. COCKRELL. I should like to ask the Senator from Iowa [Mr. ALLISON] if the requirement of the act of July 5, 1884, was not at the instance of the Committee on Appropriations? I was thinking that probably the communication had better go to the Committee on Appropriations, and they can determine whether the accompanying papers ought to be printed or not.

Mr. INGALLS. Either reference will be satisfactory to me, sir.

The PRESIDENT *pro tempore*. Does the Senator from Missouri move that reference?

Mr. COCKRELL. I move that the papers be referred to the Committee on Appropriations.

Mr. ALLISON. I do not think this information was called for by the Committee on Appropriations.

Mr. COCKRELL. It is sent in accordance with a provision in an appropriation act.

The PRESIDENT *pro tempore*. It is an annual report, made in pursuance of law.

Mr. ALLISON. It should go to the Committee on Appropriations, then. I remember the provision was made in the last Congress.

The PRESIDENT *pro tempore*. That reference will be made, if there be no objection.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in compliance with section 229 of the Revised Statutes, a statement of the contracts made by the War Department and its bureaus for the fiscal year ending June 30, 1885; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also laid before the Senate a communication from the Secretary of War, transmitting the report of the board on fortifications or other defenses, organized under a provision of the act of March 3, 1885; which was ordered to be printed, and, with the accompanying papers, on motion of Mr. CAMERON, referred to the Committee on Coast Defenses.

He also laid before the Senate a communication from the Secretary of War, transmitting, in compliance with section 191 of the Revised Statutes, an annual report of clerks employed in the War Department; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

He also laid before the Senate a communication from the Secretary of the Interior, recommending an increase of the force in the office of the Commissioner of Railroads; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of George Harlan Post, No. 139, Grand Army of the Republic, Department of Ohio, praying the allowance to each soldier of the late war of a portion of the public domain; which was referred to the Committee on Public Lands.

Mr. CAMERON presented a memorial of J. Monroe Kreiter, jr., president, and other officers and members of Typographical Union No. 14, of Harrisburg, Pa., protesting against the passage of the so-called "international copyright bill" on the ground that it will work great injustice to their trade; which was referred to the Committee on Patents.

He also presented the petition of Caroline Sees, of Harrisburg, Pa., widow of Maj. Oliver W. Sees, late chief of transportation and telegraphing department on the staff of Maj. Gen. D. N. Couch, commanding Department of the Susquehanna, praying to be allowed a pension; which was referred to the Committee on Pensions.

He also presented the petition of Col. John B. Clark Post, No. 162, Grand Army of the Republic, of Alleghany City, Pa.; the petition of Maj. A. M. Harper Post, No. 181, Grand Army of the Republic; the petition of Lieut. James M. Lysle Camp, No. 2, Sons of Veterans, West Pennsylvania Division United States Army, of Allegheny City, Pa.; the petition of the Ottawa Tribe, No. 64, Independent Order of Red Men, of Pittsburgh, Pa.; the petition of the Union Lodge, No. 86, Ancient Order of United Workingmen of Pennsylvania, and the petition of Col. Henry B. Hays Camp, No. 4, Sons of Veterans, United States Army, of Pittsburgh, Pa., praying Congress to provide by proper legislation for giving to the surviving officers, soldiers, sailors, and marines of the late war for the Union, or to their widows and children, a title to a portion of the public domain, as was done to the soldiers of other wars, and also to the said officers, soldiers, sailors, and marines the difference of value between the paper money paid them as pay and bounty and gold money at the several times of payment; which were referred to the Committee on Public Lands.

Mr. PLUMB. I present the petition of a large number of citizens of Kansas, setting forth at length the necessity for the opening of the Indian Territory to settlement, the allotment of lands to the Indians in severalty, and the appropriation of the remainder for the uses of actual

settlers. I move that the petition be referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. PLUMB. I also present the petition of a large number of citizens of Kansas, praying that the coinage of silver be placed on an equality with the coinage of gold, with certain other modifications of the present law in regard to the use of silver certificates. I move that the petition be referred to the Committee on Finance.

The motion was agreed to.

Mr. PLUMB presented a petition of citizens of Kansas, praying that a pension be granted to William Dobbs, late a private in Company K, One hundred and nineteenth Regiment Indiana Volunteers; which was referred to the Committee on Pensions.

He also presented a petition of citizens of Sedgwick County, Kansas, praying that Oscar Reed, late a private in Company A, Second West Virginia Infantry, be placed on the pension-roll; which was referred to the Committee on Pensions.

Mr. DAWES. I present the petition of the National Association of Wool Manufacturers, praying for the enactment of a bankruptcy law. As a bill in reference to that subject has already been reported from the Committee on the Judiciary, I move that the petition lie on the table.

The motion was agreed to.

Mr. CALL presented the petition of the Philadelphia (Pa.) Maritime Exchange, praying for the passage of the bill introduced by him providing for the construction, operation, and maintenance of a telegraph line in conjunction with a signal station at Point Jupiter, Florida; which was referred to the Committee on Commerce.

He also presented a petition of citizens of Florida, praying that the naval reserve lands in La Fayette County, Florida, be turned over to the Interior Department, in order that they may be subject to homestead entry; which was referred to the Committee on Public Lands.

He also presented a memorial of pilots of Pensacola, Fla., remonstrating against the passage of the bill relating to pilots and pilotage; which was referred to the Committee on Commerce.

Mr. MCMILLAN. I present a memorial of the Chamber of Commerce of the city of Saint Paul, Minn., in reference to the Upper Missouri River, and the Yellowstone River, its principal tributary. I ask that the memorial be read. It is brief, and presents the public interests in that section so clearly that I think it proper to have it read.

The PRESIDENT *pro tempore*. If there be no objection the memorial will be read.

The Chief Clerk read as follows:

To the Congress of the United States:

Your memorialist, the Chamber of Commerce of the city of Saint Paul, Minn., respectfully represents:

That the business men of Saint Paul are very largely interested in the trade of the Upper Missouri River, and anxiously look to the General Government for the speedy improvement of that important water way.

That there exists above the city of Bismarck 1,200 miles of navigable waters on this great stream, besides 400 miles of navigation on the main tributary thereof, the Yellowstone.

That in the valleys drained by these 1,600 miles of river there are no means of communication save by river.

That during the last season of navigation nearly 40,000,000 pounds of freight, and a very large list of passengers, were carried by steamers on these rivers above Bismarck.

That nearly all this freight went from Saint Paul.

That in the allotments of money heretofore made by Congress for the improvement of the Missouri River the bulk of the money has been used on the lower half of the river, where there is a great amount of water and navigation, with little commerce.

That the meager amounts heretofore allowed have made the navigation of the Upper Missouri possible for boats of 1,200 tons burden, and on the Yellowstone for vessels of 200 tons burden.

That the demands of this vast region are such that the improvement of these rivers should now be entered upon on a liberal and comprehensive scale and carried forward to an early completion, that the highest possible results may be accomplished by furnishing cheap transportation to this undeveloped and most interesting country.

That this chamber does most cordially and earnestly indorse the recommendations of the water-ways convention held at Saint Paul September 3 and 4, 1885, and which have recently received the strong approval of the great convention held in Kansas City the latter days of December last, which provide among other things that the Missouri River be divided into five sections, and that the allotments of money to these sections be made equal in amount.

Resolved, That our Senators and Representatives in Congress be, and they are earnestly, requested to give this matter great attention and use every proper effort in aid thereof.

JOHN B. SANBORN, *President*.
Attest: WM. F. PHELPS, *Secretary*.

Mr. MCMILLAN. I move that the memorial be referred to the Committee on Commerce.

The motion was agreed to.

Mr. HARRISON presented the petition of William P. Vansant and 81 others, citizens of Morgan County, Indiana, praying Congress to remove the charge of desertion from the record of Arnotes Forrester, late a private in Company C, Twenty-second Regiment Indiana Volunteers; which was referred to the Committee on Military Affairs.

Mr. WILSON, of Iowa. I present resolutions, in the nature of a memorial, adopted by the United Presbyterian Ministerial Association of Philadelphia, Pa., in favor of the passage of the Senate bill to prohibit the mailing of newspapers and other publications containing lottery advertisements, &c. Inasmuch as that subject has been reported upon by the Committee on Post-Offices and Post-Roads I move that the resolutions lie on the table.

The motion was agreed to.

Mr. WILSON, of Maryland, presented a petition of citizens of Maryland, praying for the repeal of the law requiring the Secretary of the Treasury to coin not less than $2,000,000 per month of standard silver dollars; which was referred to the Committee on Finance.

Mr. MANDERSON presented a petition of hospital stewards in the United States Army, praying for an increase of compensation; which was referred to the Committee on Military Affairs.

Mr. MITCHELL, of Oregon, presented a memorial of citizens of the State of Oregon, remonstrating against the suspension of silver coinage, and favoring legislation placing the coinage of silver on an equality with the coinage of gold; which was referred to the Committee on Finance.

He also presented a petition of citizens of Oregon, praying for the investigation of a land grant in Oregon, known as the Willamette and Cascade Mountain wagon-road grant; which was referred to the Committee on Public Lands.

Mr. VEST presented a petition of the Bar Association of the Territory of Montana, praying for the passage of an act providing for five justices of the supreme court of Montana; which was referred to the Committee on the Judiciary.

Mr. GIBSON. I present a petition of the governor and State officers of the State of Louisiana and of citizens of Baton Rouge, La., in favor of the transfer of the barracks at Baton Rouge to the Louisiana State University and Agricultural and Mechanical College. I move that the petition be referred to the Committee on Public Lands.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. PLUMB. The Committee on Public Lands have had under consideration two bills, the bill (S. 1108) to confirm title to certain private land grants in Arizona Territory, and the bill (S. 1109) to confirm the title to that certain private land grant "Tres Alamos," in Arizona Territory, and, conceiving them to belong properly to the jurisdiction of another committee, have instructed me to report them back to the Senate and ask that the Committee on Public Lands be discharged from their further consideration and that they be referred to the Committee on Private Land Claims.

The report was agreed to.

Mr. HOAR. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. 5) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act; and to provide for a settlement of claims growing out of the issue of bonds to aid in the construction of certain of said railroads, and to secure to the United States the payment of all indebtedness of certain of the companies therein mentioned, to report the same adversely, and also to report on the same subject a new bill.

The PRESIDENT *pro tempore*. If there be no objection the bill reported adversely will be indefinitely postponed.

Mr. PLATT. Ought it not to go upon the Calendar?

Mr. HOAR. The committee report the same bill in substance, only it is a new draught; that is all.

The PRESIDENT *pro tempore*. The bill reported by the committee will be read by its title.

The bill (S. 1200) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act; and to provide for a settlement of the claims growing out of the issue of bonds to aid in the construction of certain of said railroads, and to secure to the United States the payment of all indebtedness of certain of the companies therein mentioned, was read twice by its title.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. INGALLS. That bill is reported from the Committee on the Judiciary, and I presume that I do not transcend the proprieties in saying that it did not receive the unanimous support of that committee. It was reported by a majority, and I do not concur with their conclusions. While I do not wish to submit any formal report in behalf of the minority, I merely announce that, not concurring with the committee, I shall take occasion when the bill is called up to express my views upon the subject.

Mr. WILSON, of Iowa. I concur in the statement made by the Senator from Kansas relative to the position of the committee in regard to the bill, and, in addition to what he has said, I desire now to propose an amendment to the bill, which I ask may be printed. I will venture the statement that the amendment will doubtless receive the approval of a majority of the committee. I am not prepared to say

at this time that even with the adoption of the amendment I shall be prepared to give my support to the bill, but certainly I shall not be prepared to do so without the adoption of the amendment.

Mr. HOAR. I presume the amendment will receive the support of a majority of the committee. It was put in form by the Senator from Iowa too late to form a part of the report. If it be proper, I should like to have the amendment printed for the information of the Senate and referred to the committee without taking the bill from its place on the Calendar. I suppose that can be done.

The PRESIDENT *pro tempore*. The Senator from Iowa [Mr. WILSON] asks the unanimous consent of the Senate at this stage in the bill to offer an amendment, it being considered as pending for that purpose. If there be no objection, that will be agreed to. The Senator from Massachusetts [Mr. HOAR] asks that the amendment without the bill be referred to the Committee on the Judiciary.

Mr. BLAIR. I should be glad to hear the amendment read.

Mr. HOAR. That is not necessary.

Mr. BLAIR. The amendment is very short, I understand.

Mr. ALLISON. Let it be read.

Mr. HOAR. Very well.

The PRESIDENT *pro tempore*. If there be no objection, the proposed amendment will be reported.

The Chief Clerk read as follows:

SEC. 13. That whenever, in the opinion of the President, it shall be deemed necessary to the protection of the interests and the preservation of the security of the United States in respect of its lien, mortgage, or other interest in any or the property of the several companies named in the first section of this act upon which a lien, mortgage, or other incumbrance, paramount to the right, title, or interest of the United States for the same property may exist, the Secretary of the Treasury shall, under the direction of the President, redeem or otherwise clear off such paramount lien, mortgage, or other incumbrance, by paying the sums lawfully due in respect thereof out of the Treasury; and the United States shall thereupon become and be subrogated to all rights and securities theretofore pertaining to the debt, mortgage, lien, or other incumbrance in respect of which such payment shall have been made. It shall be the duty of the Attorney-General, under the direction of the President, to take all such steps and proceedings in the courts and otherwise as shall be needful to protect and defend the rights and interests of the United States in respect of the matters in this section mentioned.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that the amendment be referred to the Committee on the Judiciary. If there be no objection that order will be made.

Mr. PLATT. The Committee on Territories, to whom was referred the bill (S. 67) to provide for the formation and admission into the Union of the State of Washington, and for other purposes, direct me to report it with amendments. I have nearly completed a written report to submit, which, with the consent of the Senate, I shall file with the Secretary during the day.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. SAULSBURY, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 466) to regulate the subletting of contracts for carrying the United States mails, reported adversely thereon; and the bill was postponed indefinitely.

NORTHERN CHEYENNES IN MONTANA.

Mr. DAWES. I am instructed by the Committee on Appropriations to report back the joint resolution (H. Res. 91) authorizing the Secretary of the Interior to use certain unexpended balances for the relief of the Northern Cheyennes in Montana, and there being a pressing exigency which this is designed to meet, I ask unanimous consent that it may be put upon its passage now.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It authorizes the Secretary of the Interior to use, out of the unexpended balance of the $50,000 appropriated in the act making appropriations for the Indian service for the fiscal year 1886, approved March 3, 1885, to supply food and other necessities of life in cases of distress among the Indians not having treaty funds, $12,000, or so much thereof as may be necessary, to relieve the distress now existing among the Northern Cheyennes on the Rosebud and Tounge Rivers, in Montana, and furnish them with such food and other necessary articles as may be required; and in expending this amount he is authorized, if necessary, to purchase supplies in open market to an extent not to exceed $5,000.

The PRESIDENT *pro tempore*. The verbal amendment reported from the committee will be read.

The CHIEF CLERK. In line 12, correct the spelling of the word "Tongue" by changing "Tounge" to "Tongue."

Mr. DAWES. I apprehend it is not necessary for the joint resolution to go back to the House for that. It is a misprint, a misspelling of the word. I presume the engrossed bill is right, if the Secretary has the engrossed bill. I would not want the joint resolution to go back to the House.

The PRESIDENT *pro tempore*. The Chief Clerk calls the attention of the Chair to another misspelling. It may be right in the engrossed bill and wrong in the print. If there be no objection the verbal amendments in the spelling of the words will be made.

Mr. DAWES. Will that involve its going back to the House?

Mr. INGALLS. Then let it not be done by a motion. If the bill is amended by motion in this body there is no way by which it can escape being sent to the other House.

The PRESIDENT *pro tempore*. The Chair has sent for the engrossed bill.

Mr. DAWES. I suggest that the joint resolution be informally laid aside so as to get the engrossed bill. I think there is a misprint, and the trouble is not in the engrossed bill.

POTOMAC RIVER BRIDGE.

Mr. RIDDLEBERGER. I report back from the Committee on the District of Columbia the bill (S. 200) to authorize the purchase of the Aqueduct Bridge or the construction of a bridge across the Potomac River at or near Georgetown, D. C. The bill is reported with one amendment. I understand perfectly well that I have no right to communicate to the Senate what transpires in committee, but the chairman of the committee will himself, I think, certify the fact that this is the bill as it passed before without an objection in the Senate, changing the time from ninety days to six months. I ask to suspend any rule which prohibits the passage of the bill this morning and let it go through by unanimous consent.

The PRESIDENT *pro tempore*. The Senator from Virginia asks the unanimous consent of the Senate to proceed to the consideration of the bill at this time. Is there objection?

Mr. MORGAN. I rise to morning business.

Mr. PLATT. Let the bill be read.

The PRESIDENT *pro tempore*. The Senator from Alabama rises to morning business, which is an objection for the moment.

Mr. MORGAN. I wish to introduce a bill.

Mr. RIDDLEBERGER. Let me understand. Does the Senator from Alabama object?

Mr. MORGAN. No, sir; I merely rise to morning business.

The PRESIDENT *pro tempore*. He objects for the moment.

Mr. MORGAN. I do not care to interrupt the Senator with his effort to get the bill before the Senate.

Mr. RIDDLEBERGER. Of course I shall wait. What time does the morning business hour expire? We have had some doubt as to whether it was 1 or 2 o'clock.

The PRESIDENT *pro tempore*. The morning business will be concluded before 2 o'clock at any rate.

Mr. RIDDLEBERGER. I know the Senator from Alabama will not object after 2 o'clock.

Mr. MORGAN. I wish to introduce a bill.

The PRESIDENT *pro tempore*. The introduction of bills is not yet in order. Reports from standing or select committees are still in order.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 3827) to remove the political disabilities of Thomas L. Rosser;

A bill (H. R. 3846) to remove the disabilities of Alexander P. Stewart, of La Fayette County, Mississippi;

A bill (H. R. 4409) to remove the disabilities of Edward G. W. Butler, of Missouri;

A bill (H. R. 16) granting a pension to Mrs. Nancy L. Ribble;

A bill (H. R. 414) granting a pension to Daniel B. Clark;

A bill (H. R. 551) granting a pension to Rhoda Dane;

A bill (H. R. 602) granting a pension to Mrs. Anna D. W. Eichman;

A bill (H. R. 634) granting a pension to John Defenbaugh;

A bill (H. R. 646) granting a pension to Thomas M. Commuck;

A bill (H. R. 650) granting an increase of pension to Charlotte D. Crocker;

A bill (H. R. 693) to restore to the pension-roll the name of William B. Keith;

A bill (H. R. 698) granting a pension to Philip D. Campbell;

A bill (H. R. 700) granting a pension to Mrs. M. A. Bickerdyke;

A bill (H. R. 702) granting a pension to Dr. J. F. Bruner;

A bill (H. R. 758) granting a pension to Alexander Harper;

A bill (H. R. 802) granting a pension to August Schindler;

A bill (H. R. 1468) increasing the pension of John P. Davis;

A bill (H. R. 1475) granting a pension to Margaret Flaherty;

A bill (H. R. 4410) for the relief of John C. Clark; and

Joint resolution (H. Res. 57) to print an addition to a report on wages, ordered printed January 17, 1884.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 671) making an appropriation for the purchase of the old Produce Exchange building and the site bounded by Whitehall, Pearl, Moore, and Water streets, New York city, for army purposes; and it was thereupon signed by the President *pro tempore*.

DEATH OF REPRESENTATIVE RANKIN.

The message further conveyed to the Senate the intelligence of the death of Hon. JOSEPH RANKIN, late a Representative of the State of Wisconsin.

The message also announced that the House had passed a concurrent

resolution for the appointment of a special joint committee of seven members of the House of Representatives and three members of the Senate to take order for superintending the funeral and to escort the remains of the deceased to Manitowoc, Wis., and that Mr. BRAGG of Wisconsin, Mr. VAN SCHAICK of Wisconsin, Mr. GUENTHER of Wisconsin, Mr. CARLETON of Michigan, Mr. HENDERSON of Illinois, and Mr. JOHNSON, of New York had been appointed the committee on the part of the House.

BILLS INTRODUCED.

Mr. MORGAN introduced a bill (S. 1201) granting a pension to Louise Ambrecht; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1202) to authorize the appointment of Indians to certain offices; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. MILLER, of New York, introduced a bill (S. 1203) to amend section 2805 of the Revised Statutes of the United States so as to allow oaths to be administered by notaries public; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. VOORHEES introduced a bill (S. 1204) for the relief of the children of the late Surgeon Alfred M. Owen and to increase their pensions; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. COKE introduced a bill (S. 1205) to provide for the issuing and recording of certain commissions in the Department of Justice; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. CAMERON introduced a bill (S. 1206) granting a pension to Ellen Bishop; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1207) granting a pension to Caroline Sees; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1208) to authorize the proper accounting officers of the Treasury to audit and pay the claim of the county of Schuylkill, in the State of Pennsylvania, for money advanced by it under allotments made by soldiers from said county during the late rebellion by virtue of section 12 of the act of Congress entitled "An act to authorize the employment of volunteers to aid in enforcing the laws and protecting property," approved July 22, 1861; which was read twice by its title, and referred to the Committee on Claims.

Mr. PLATT introduced a bill (S. 1209) to amend the law in relation to the registration of trade-marks; which was read twice by its title, and referred to the Committee on Patents.

Mr. DOLPH introduced a bill (S. 1210) to authorize the Secretary of the Interior to make sale of certain lands of the Umatilla Indian reservation to William S. Byers and others and to issue patent therefor; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. DAWES introduced a bill (S. 1211) to accept and ratify an agreement made with the confederated tribes and bands of Indians occupying the Yakama reservation, in the Territory of Washington, for the extinguishment of their title to so much of said reservation as is required for the use of the Northern Pacific Railroad, and to make the necessary appropriations for carrying out the same; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. WILSON, of Maryland, introduced a bill (S. 1212) for the further protection of property from fire and safety of lives in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. INGALLS introduced a bill (S. 1213) to regulate insurance in the District of Columbia; which was read twice by its title.

Mr. INGALLS. The bill I introduce by request, without any knowledge on my part of the provisions which it contains. I move that it be referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. INGALLS also introduced a bill (S. 1214) granting a pension to Seamus G. Morris; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MITCHELL, of Oregon, introduced a bill (S. 1215) making an appropriation for the purchase of a right of way to Cape Orford light-station, Oregon; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 1216) making an appropriation for the purchase of a site and the construction of a light-house at Cape Meares, Tillamook Bay, Oregon; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 1217) for the relief of Henry Bellion; which was read twice by its title, and referred to the Committee on Pensions.

Mr. VEST introduced a bill (S. 1218) to regulate the removal of causes by Federal corporations; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the Judiciary.

Mr. GIBSON introduced a bill (S. 1219) for the relief of the heirs of Martin Kenofsky; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 1220) for the relief of Edward G. W. Butler from political disabilities; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. BOWEN introduced a bill (S. 1221) relating to suits by the United States to set aside land patents; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. SAWYER introduced a bill (S. 1222) for the relief of soldiers and sailors having lost a leg above the knee or an arm above the elbow-joint; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1223) for the relief of Wilbur F. Steele; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. BOWEN introduced a bill (S. 1224) granting a pension to Henry H. Stutsman; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1225) granting a pension to W. Park Alexander; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BLAIR introduced a bill (S. 1226) to utilize certain public lands toward securing for the American people "work for workers and wages for work," or fair opportunities and just rewards; which was read twice by its title.

Mr. BLAIR. I introduced this bill also in the last Congress, and then as now at the request of Mr. Charles Fred. Adams, who is the clerk of the Civil Service Commission. The bill relates to the investment of the savings of working people in the public lands. I move that it be referred to the Committee on Public Lands.

The motion was agreed to.

Mr. VAN WYCK introduced a bill (S. 1227) granting increase of pension to William P. Squires; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1228) to increase the pensions of widows and dependent relatives, and granting pensions to invalid and dependent soldiers and sailors of the late war, and for other purposes; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 1229) to adjust the inequalities in the pensions paid certain soldiers and sailors who are utterly helpless from injuries received or disease contracted while in the United States service, and to increase the pensions of such soldiers and sailors as are or may thus become utterly helpless; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLUMB introduced a bill (S. 1230) authorizing the Interstate Rapid Transit Railway Company to build a bridge across the Kansas River; which was read twice by its title, and referred to the Committee on Commerce.

Mr. BLAIR introduced a bill (S. 1231) for the relief of Frances McNeil Potter; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CHACE introduced a joint resolution (S. R. 34) granting medals to the officers and men of the Thetis, Bear, and Alert, composing the arctic relief squadron sent to the relief of Lieutenant Greely and party in 1884; which was read twice by its title, and referred to the Committee on Military Affairs.

AIDS TO GENERAL OFFICERS.

Mr. BUTLER. On the 12th of this month I introduced a bill (S. 1043) to amend sections 1097 and 1098 of the Revised Statutes relating to aids to general officers of the Army, which was ordered to lie on the table. I move that the bill, with the accompanying papers which I now present, be referred to the Committee on Military Affairs.

The motion was agreed to.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. GIBSON, it was

Ordered, That the papers in the case of Lucien Goyeaux be taken from the files and referred to the Committee on Claims.

Ordered, That the papers in the case of the State National Bank of Louisiana be taken from the files and referred to the Committee on Claims.

On motion of Mr. PIKE, it was

Ordered, That the papers in the claim of the widow and children of John W. Judson be taken from the files and referred to the Committee on Claims, there being no adverse report.

On motion of Mr. STANFORD, it was

Ordered, That Jesse D. Carr have leave to withdraw the papers filed by him and now upon the files of the Senate.

Ordered, That all the papers relating to the cases hereinafter named be withdrawn from the files of the Senate, under the rules, and referred to the committees respectively hereinafter named, to-wit:

1. In the case of William R. Wheaton and Charles H. Chamberlain, to the Committee on Public Lands, to be by it considered in connection with Senate bill No. 988, first session Forty-ninth Congress.

2. In the cases of James M. Barney, William B. Hooper & Co., E. N. Fish & Co., Tully, Ochva & Co., William B. Hugas, to the Committee on Indian Affairs, to be by it considered in connection with Senate bill No. 989, first session Forty-ninth Congress.

3. In the case of State of California to take lands in lieu of the sixteenth and thirty-sixth sections containing minerals, to the Committee on Public Lands, to

be by it considered in connection with Senate bill No. 990, first session Forty-ninth Congress.

4. In the case of the relief of Jerome Madden, to the Committee on Public Lands, to be by it considered in connection with Senate bill No. 992, first session Forty-ninth Congress.

5. In the case of the unexpended balances heretofore appropriated by Congress for suppression of Indian hostilities in the State of California, to the Committee on Appropriations, to be by it considered in connection with Senate bill No. 993, first session Forty-ninth Congress.

6. In the case of granting the State of California 5 per cent. of the net proceeds of the sales of the public lands in said State, to the Committee on Public Lands, to be by it considered in connection with Senate bill No. 994, first session Forty-ninth Congress.

7. In the case of crediting the several States and Territories moneys collected under the direct tax levied by act of August 5, 1861, to the Committee on the Judiciary, to be by it considered in connection with Senate bill No. 995, first session Forty-ninth Congress.

ORDER DISBANDING CERTAIN REGIMENTS.

Mr. CONGER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and he is hereby, directed to transmit to the Senate a certified copy of special order No. 89, Headquarters Department of Texas, dated April 28, 1866.

PORT ORFORD BREAKWATER.

Mr. MITCHELL, of Oregon, submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and he is hereby, directed to report to the Senate what disposition, if any, has been made of the $150,000 appropriated by Congress for the commencement of the construction of a breakwater at Port Orford, Oreg., by the act approved March 3, 1879.

ADJOURNMENTS OVER.

Mr. HOAR. I offer the following resolution as an amendment to the rules, to be referred to the Committee on Rules:

Resolved, That upon a motion that when the Senate adjourn to a day other than the next legislative day, the question shall always be taken in open session and by yeas and nays.

I move that that be referred to the Committee on Rules, and on the motion I should like to say one word. Both Houses adjourned at the end of the last Congress with a very large number of measures not acted upon, demanded by the country, very important to the public interest, and which were favored I am quite sure by a large majority of both Houses. Those measures were not dealt with simply for want of time. Congress expired leaving the grievances so far unredressed. We have now already reached nearly the close of the second month of this session. One-third of the time usually allotted to the long session of Congress has passed; one-fifth of the life of this entire Congress has passed; and a practice has grown up of moving on Thursday that the Senate adjourn to the following Monday, the motion being made at a time when large numbers of the Senators are not in their seats, interrupting sometimes a speech to make that motion; and those who desire to devote the public time to the public business find to their surprise that the motion has been adopted. It seems to some of us that a loss of two of the six days in the week devoted to legislation by the Senate ought not to be brought about without at least the entire Senate having an opportunity upon a call of yeas and nays to express its opinion. The call of yeas and nays secures the knowledge by the whole body that the question is pending.

The PRESIDENT *pro tempore*. The resolution will be referred to the Committee on Rules if there be no objection.

NORTHERN CHEYENNES IN MONTANA.

Mr. DAWES. Now I ask that we resume action on the joint resolution I reported this morning.

The PRESIDENT *pro tempore*. The Senate, as in Committee of the Whole, resumes the consideration of the joint resolution (H. Res. 91) authorizing the Secretary of the Interior to use certain unexpended balances for the relief of the Northern Cheyennes in Montana.

Mr. DAWES. I have examined the engrossed bill and I find that the mistakes to which attention was called in the print exist also in the engrossed bill. I am inclined to think that while the engrossed bill makes it possible to ascertain the meaning of Congress, it would look very bad in print in the printed book of the laws of Congress, and therefore I propose to correct what was evidently the mistake of those who engrossed the bill in the other House. In line 8 I move to strike out the word "live," and to insert the word "life."

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Massachusetts will be considered as agreed to.

Mr. DAWES. I also move to strike out in line 12 the word which has been printed and is the same in the engrossed bill before "rivers" and to insert in place of it the word "Tongue."

The PRESIDENT *pro tempore*. That amendment will be considered as agreed to, there being no objection, it being verbal in its character.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the joint resolution to be read a third time. The joint resolution was read the third time, and passed.

Mr. INGALLS. I should like to ask the Senator from Massachusetts why this appropriation is made by joint resolution instead of bill?

Mr. DAWES. If I had drawn this measure it would have been a bill rather than a joint resolution. I agree with the Senator that that is the proper mode.

Mr. INGALLS. Then, inasmuch as we have amended this joint resolution and it must go back to the House for concurrence, I move that the title and frame of the joint resolution be so amended as to make it a bill in proper form.

The PRESIDENT *pro tempore*. It is moved by the Senator from Kansas that this be changed in form from a joint resolution to a bill. Is there objection? If not, the amendment will be considered as agreed to.

Mr. DAWES. In the title of the bill I observe that they have failed to write out the name of these Indians in the proper form, and I move that the word "Cheyenns," as it appears in the print, be amended by inserting the letter "e" after the last "n" and before "s;" so as to read: "Northern Cheyennes."

The PRESIDENT *pro tempore*. The Senator from Massachusetts will please call the attention of the Secretary to that.

Mr. INGALLS. This seems to me an appropriate occasion to call attention to the extraordinary condition of the engrossing force which sends the bills to this body for concurrence. I think at the last session of Congress there were at least a dozen or fifteen bills that came here in such shape, it being impossible to consider them word by word, that after they had been enrolled it became necessary to correct them by joint resolution in consequence of the inefficiency of the enrolling force that was employed upon the bills before they were sent to this body. I do not know that there is any method by which this difficulty can be corrected, but it is a crying evil. It is a disgrace that a bill should be sent to this body in the condition of that which we have been considering this morning, the commonest words misspelled, the plain intent and purpose of Congress frustrated by the ignorance or carelessness of those persons who are employed to write out these bills on paper.

If any motion could be made I should be glad to submit it, but I know of nothing except the correcting influence of public opinion on this subject, and I take occasion therefore to call attention to the condition of this bill and of other measures that have been frequently sent here in such a condition that they were unintelligible and insensible. I trust that some measures will be taken to correct an evil that is disgraceful to the Congress of the United States.

The PRESIDENT *pro tempore*. The bill having passed, the title will be changed to conform to the body of the bill.

Mr. SAULSBURY. Am I to understand the Senator from Kansas as referring to the enrolling and engrossing clerks of the Senate?

Mr. INGALLS. Oh, no.

Mr. SAULSBURY. Because I was going to say that having been chairman of the Committee on Engrossed Bills for some years I have never seen a more efficient set of clerks than those on the part of the Senate who engross our bills. I have had occasion to examine a number of bills, and very seldom have I found occasion to change a letter.

Mr. INGALLS. I will say in response to the Senator from Delaware that I did not refer to the enrolling and engrossing force employed by the Senate. I referred distinctly to the force that is employed in writing out the bills and resolutions which are sent to this body, and I called attention to the conspicuous neglect and carelessness that was apparent in the bill we have been considering this morning as an illustration.

POTOMAC RIVER BRIDGE.

Mr. RIDDLEBERGER. I now renew my request for the consideration of the bill reported by me this morning.

The PRESIDENT *pro tempore*. The Senator from Virginia asks that unanimous consent be given for the consideration of the bill reported by him from the Committee on the District of Columbia.

Mr. RIDDLEBERGER. I have understood that two-thirds of this body could at any time suspend a rule. If I have been mistaken in that, I shall be obliged if the Chair will inform me.

The PRESIDENT *pro tempore*. To suspend a rule requires the unanimous consent of the Senate in this particular case.

Mr. HARRIS. Let the title of the bill be stated.

The PRESIDENT *pro tempore*. The bill which the Senator from Virginia has reported from the Committee on the District of Columbia will be reported by its title.

The CHIEF CLERK. A bill (S. 200) to authorize the purchase of the Aqueduct Bridge or the construction of a bridge across the Potomac River at or near Georgetown, D. C.

Mr. HARRIS. I suggest to the Senator that he ask the unanimous consent of the Senate.

Mr. RIDDLEBERGER. Well, sir, I am entirely willing to ask unanimous consent; but I am not willing to infract a rule. I claim that two-thirds of this body can change a rule; but I will withdraw that claim for the present and allow my bill to pass the Senate, if the Senate will just consider it.

The PRESIDENT *pro tempore*. The Senator from Virginia asks unanimous consent of the Senate to consider the bill now.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 200) to authorize the purchase of the Aqueduct Bridge or the construction of a bridge across the Potomac River at or near Georgetown, D. C.

Mr. RIDDLEBERGER. It will be observed that the committee

has reported one amendment to the bill which passed at the last session of Congress. The committee propose "six months" instead of three months as the time within which the title shall be obtained to the Aqueduct Bridge. I ask that that be adopted.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. In section 2, line 3, after the word "within," it is proposed to strike out "ninety days" and insert "six months;" so as to read:

SEC. 2. That if the provisions of the first section of this act authorizing the purchase of the Aqueduct Bridge shall not be fully executed within six months from the passage of this act and the title therefor approved as herein required, then the Secretary of War be, and he is hereby, authorized and directed to cause to be constructed across the Potomac River at the Three Sisters, above Georgetown, in the District of Columbia, a substantial iron and masonry bridge, with approaches; and the sum of $220,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the construction of said bridge and approaches, the same to be maintained as a free bridge for travel.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ARKANSAS HOT SPRINGS.

Mr. BERRY. I ask unanimous consent of the Senate at this time to call up the resolution submitted by me on the 21st instant in relation to the Government reservation at Hot Springs, Ark.

The PRESIDENT *pro tempore*. The Senator from Arkansas asks unanimous consent of the Senate to proceed to the consideration of the resolution submitted by him. The resolution will be read.

The Chief Clerk read the resolution, as follows:

Whereas the leases heretofore made of the bath-house and hot-water privileges upon the reservation of Government lands at Hot Springs, Ark., have expired by limitation of law;

Whereas the Attorney-General of the United States has given an opinion that such leases may be renewed by the Secretary of the Interior without additional legislation:

Be it resolved by the Senate of the United States (the House of Representatives concurring), That in the opinion of Congress such leases of bath-house and hot-water privileges should not be renewed by the Secretary of the Interior until proper legislation is had with reference thereto.

The PRESIDENT *pro tempore*. No objection being made, the resolution is before the Senate.

Mr. BERRY. Mr. President, I shall detain the Senate but a few minutes to explain the reasons why I hope the resolution just read will pass the Senate.

By an act of Congress approved in December, 1878, the Secretary of the Interior was authorized to lease to the owners certain bath-houses located upon the permanent reservation at Hot Springs, Ark., and also to lease bath-house sites for a period of five years. The same act authorized the Secretary of the Interior to lease the Arlington Hotel to the proprietors for a period of ten years. The leases made under this act, so far as they relate to the bath-houses, expired in December, 1883. The Secretary of the Interior at that time, the present Senator from Colorado [Mr. TELLER], decided that he had no power to renew those leases. He, however, permitted the parties who held under the former leases to retain possession as tenants at will upon the same terms as those that were provided for in the former leases. In October, 1885, the Attorney-General gave an opinion that the Secretary of the Interior did have the power under the act of 1878 to renew these leases. This opinion, however, did not commit the Attorney-General to the policy of renewal.

About the 1st of last December I called upon the Assistant Secretary of the Interior, who had this matter in charge, and represented to him that I did not think it to the interest of the Government or the people of Hot Springs that these leases should be renewed. I said to him that I hoped for legislation during the present session of Congress which would change that entire system and would forever prevent its renewal. I clearly understood from him at that time that no renewal would be made until it was definitely ascertained that no legislation would be had during the present session. On last Friday I learned that there was a probability of some action being had in reference to this matter, and I called upon the Assistant Secretary again, and he informed me that one, if not two, of these leases had been renewed. I thereupon introduced the present resolution. I did not introduce it for the purpose of criticising or in any way reflecting upon the action of the Interior Department. I presume the Assistant Secretary either forgot or did not deem it any part of his duty to inform me of his change of intention. I introduced the resolution for the purpose, if possible, of preventing any further leases being granted, or in any event that I might put these lessees upon notice, so that they could not come in hereafter, and in order to defeat legislation claim that they had expended money or incurred obligations that it would be inequitable and unjust for Congress to disregard.

I shall not attempt, Mr. President, at this time to state at any length the reasons why I think that the whole system should be changed of controlling the reservation and disposing of the hot water at Hot Springs. I will state, however, that under the present system it would be utterly impossible to ever improve and beautify that reservation in order to make it a desirable resort for the invalids and visitors who may go to that watering-place. I believe that so long as those bath-houses remain upon that reservation and are occupied by those in charge of them with their families it is utterly impossible to keep the place in that sanitary condition necessary for the health and comfort of the people. To-day that reservation is made a general dumping-ground for all those articles which good taste requires should be kept from public view.

Another reason why I am opposed to the renewal of these leases is this: Under the present lease system there a few individuals, the owners of the Arlington Hotel, the owners of those bath-houses, have a complete monopoly over the hot water that is used and flows from the springs. In addition to that, under the present system, more than one-half, some say four-fifths, of that hot water escapes into the channel of the creek and is forever lost. I was going to remark, however, that so complete is this monopoly, that Captain Jacobs, of the United States Army, who had in charge the building of the Army and Navy hospital there, was compelled last summer to buy water for the United States Government for the construction of that building. I say while this hot water is allowed to escape not one of the citizens residing in the southern part of the city of Hot Springs, the most populous part of that city, is enabled to obtain a bath-house or a single gallon of hot water.

In addition to these reasons, Mr. President, the individuals who own these bath-house leases and this Arlington Hotel are not liable to pay any taxes for that property. They are practically the owners. They pay the Government a mere nominal rent. The Arlington Hotel cost perhaps $60,000; the bath-houses cost perhaps $100,000 or more; and the owners of this property are entitled to the benefit of the free schools, and they are entitled to protection from the State and municipal authorities, and yet upon this property they pay not one dollar of tax. So long as this monopoly is continued so long will there be strife and contention at the Hot Springs, and so long as strife and contention continue there so long will visitors and invalids be deterred from seeking that greatest health resort on the American continent.

While, as I have said, I have not fully matured any legislation on this point, while I am not prepared to commit myself fully at this time to any system, yet I believe that every bath-house and every hotel should be swept from that reservation, that no structures should remain thereon save and except the Army and Navy hospital, a building which is now about completed, a magnificent structure, and one that does much honor to the Senator from Illinois [Mr. LOGAN], through whose exertions the bill was passed that secured its erection. I say, that building should remain there, and perhaps a bath-house for the indigent invalids, but all others should be swept away. Further than that, the hot water should be collected in reservoirs, it should be distributed throughout the different parts of the city through pipes connected with the reservoirs, and the Government should pass out of the bath-house business, and simply dispose of this water to the citizens; and the Secretary of the Interior should direct that this water should be distributed through all parts of the city, so far as the supply will extend.

These are my views, and in presenting them I wish to say that I make no war upon the individual owners of these bath-houses or this Arlington Hotel. I know them personally. They are very clever gentlemen, but like most men who have special privileges conferred upon them they are disposed to look more to their own interest than they are to that of the public. I make war on this system or any system that gives a few individuals the monopoly of these privileges and exempts them from taxation.

I may add, however, that for the present and in the adoption of this resolution I do not seek to convert any Senator to my way of thinking in regard to the final disposition of this matter. I speak for the present only to prevent these leases being renewed, to prevent these parties from obtaining additional rights to those which they now have, to prevent these parties from coming in hereafter and claiming that they are entitled to equities. I ask that the matter rest as it is and that these leases be not renewed, or at least that Congress express that opinion which I hope and believe the Secretary of the Interior will regard until such time as a bill can be brought in and this matter can be thoroughly considered by the present Congress.

The PRESIDENT *pro tempore*. The question is on the adoption of the resolution.

Mr. LOGAN. I should like to hear the resolution read. I was not in when it was offered.

The PRESIDENT *pro tempore*. The resolution will be again read.

The Secretary read the resolution.

Mr. LOGAN. Of course the Senator from Arkansas knows much more about this matter than I do; but the language of the resolution would in my judgment do nothing more than suspend this leasing for almost an unlimited time. It took quite a number of years to get Congress to do anything in reference to the Hot Springs in Arkansas. One of the Senators from Arkansas for a number of sessions I think, or for at least two or three, tried to obtain appropriations for that locality for certain purposes and failed, for the reason that it was almost impossible to attract the attention of Congress to that particular thing, as every one knows it is very hard sometimes in reference to many other things unless they are of an overwhelming public character.

I desire, so far as I am concerned, to see the best mode adopted that could be devised for the general benefit of the people who go there. I think if the Senator will reflect a little in reference to the suggestion made in the resolution that he may change it. The idea he suggests to the Senate is that this hot water should be so arranged by the Government that through pipes it would go to the houses of all the citizens of the town, so that they might all receive benefit therefrom. Would not that produce this result, that the citizens of Hot Springs would get this water if it was put in tanks or in a reservoir for their benefit, and would they not sell it for a much larger amount than individuals have to pay for baths now? Human nature is a good deal alike everywhere, and giving a privilege to one individual sometimes works a hardship to others; but if you were to give the privilege to those whom it works hardest against they would do precisely the same thing, and thus produce the hardship that they had objected to.

I was once at the Hot Springs for a short time, and I must say I received great benefit from those waters. While there I came to the conclusion that it would be very difficult to regulate the matter by law; that is, to define it in such a way that everybody would have an equal share in the waters of those springs; and I came to the conclusion that there could be no better way than to leave it in the control of the Secretary of the Interior. If the Secretary of the Interior is a just man, which doubtless he is, a man of good judgment, of discretion, a man who desires to deal fairly and justly with all, he will certainly make such rules and regulations connected with the use of the water—as he has a perfect right, as I understand, to do under the law—as will be equitable and just to all the citizens.

One of the difficulties, at least one that I found, was this: There are a great number of bath-houses at the Hot Springs receiving this water, all leased from the Government. I believe they are not allowed to have in excess of forty tubs to a bath-house. I do not know how many there are there, but I think there are some ten or twelve bath-houses, certainly a number that accommodate many people, and a great many people go there for their health. You may call the matter a monopoly or what you please; but the bathing is good, and the bath-houses are kept in a cleanly condition; there are rubbers and servants there whom you can employ for the purpose of attending to your wants, and so far as I observed in connection with the bath-houses everything was cleanly and in good shape.

Now suppose it is a monopoly; everything for which a person has a privilege you may say is a monopoly; but really it is only a monopoly when you declare that nobody shall have a right except a particular individual. That is not the case there. These persons lease a piece of ground, they build a bath-house at their own expense, and then as the remuneration they are to receive to compensate them for the expense they have been at in building a bath-house they charge so much for each bath, 25 cents or 50 cents or whatever it is—I do not remember now——

Mr. BERRY. Thirty-five cents.

Mr. LOGAN. No matter what the amount is, they charge so much in order to remunerate them for their outlay. Unless some one can devise a plan and bring it to the attention of Congress that is better than the present arrangement, I would rather see the present arrangement continued. I certainly would join with the Senator from Arkansas in any plan or in any system that could be devised by which people would be accommodated in a better manner than they are at the present time.

What I am saying is not with a view of antagonizing anything that would be a benefit to the invalid, for it is to the invalid that I look much more than to the men who lease the bath-houses or citizens who would be benefited thereby. If he would change this resolution so as to suspend the leasing, say for one month or for weeks or two months, to see what Congress will do, and if Congress takes no definite step in that length of time then let the suspension cease, I should see no particular objection to it; but I say to him now and to the Senate that I think when you undertake to bring this to the attention of Congress you will find Congress perhaps will not come up to the work as readily as you suppose.

I know that a Senator representing that part of the country knows much more about this matter than I do. I merely rose to make this suggestion, that the Senator would find more difficulty perhaps in having a plan arranged and devised and passed through Congress than he anticipates now. Hence I think if the resolution is to pass suspending indefinitely the action of the Secretary of the Interior, it would work harm instead of good.

Mr. VOORHEES. Mr. President, I think this resolution ought not to pass, at this time at least. As I understand the situation in the Department, it is this: The Attorney-General of the United States has given it as his opinion that under the existing law the Secretary of the Interior may in his discretion extend these leases or not. The present Attorney-General has given his opinion that the Secretary of the Interior may or may not, as he chooses, extend these leases. I am willing that that discretion should abide there, and I am not willing to take it away, for, after paying the closest possible attention to the remarks of the Senator from Arkansas, it seems to me his resolution embraces the idea of confiscating all the bath-houses on the hot-water reservation. I can conceive of nothing except an act of confiscation that would strike my mind as more unjust. There are bath-houses there with tens upon tens of thousands of dollars in them. I do not know but that some of them have cost their proprietors $100,000. There is one bath-house where each tub has cost the proprietors $150 to put it in its place, made in Scotland and inlaid with porcelain, the finest bath-house to-day perhaps in the world, certainly in the United States. If that man's lease is not to be renewed and his property is to be taken off that reservation, it strikes me as simply a sweeping act of confiscation.

Mr. INGALLS. When do these leases expire?

Mr. VOORHEES. I do not know definitely when any of them expire, but——

Mr. BERRY. Will the Senator allow me to state?

Mr. VOORHEES. They will be expiring soon.

Mr. BERRY. The leases have already expired. The proposition is to prevent their renewal, in order that their holders may not be able to come forward in the view the Senator from Indiana is contending for them and set up their equities to prevent legislation. The leases have expired.

Mr. VOORHEES. The Senator knows that point better than I. Very well, then, I will say that I am perfectly ready and willing to consider carefully any measure of legislation that the Senator from Arkansas or anybody else will bring forward on this subject; but I am not willing to make proclamation in advance as to what we will do. I am not willing to bind myself by a joint resolution to destroy the present investment without any knowledge of what is to take its place. I say, with all respect to the Senator from Arkansas, and with a good deal of knowledge and experience of that locality, that a proposition to take the bath-houses off the ground where they are now, where the hot springs in many instances bubble into them from the ground, and then pipe that water to distant parts of the reservation, is simply to destroy it in my judgment. That is the way it looks to me.

I think the better way would be, if the Senator from Arkansas will allow me to suggest it, that some measure of legislation embodying the ideas we are expected to act upon should be brought forward, rather than this notification of what we are going to do, without any particulars.

So far as my participating in this matter is concerned, I desire to say and call the attention of the Senate to the fact that every Senator is as much interested in behalf of his constituents in this Government reservation as the Senator from Arkansas. It is a Government reservation in Arkansas; but it is Government property; it is public property; it is there for the public welfare, for the general good, and we are all interested in the subject, for I have met as many people from New England as I have from any portion of the United States there having the benefit of these magical hot waters. It is really, Mr. President, the greatest sanitarium on the globe. I have met gentlemen and ladies both who have sought health in all the famous resorts of Europe, who at last have come there and found what they have sought in vain everywhere else; and the utmost care and consideration should be extended to this great interest.

I hope the Senate will not commit itself in any haste upon this subject. For the time being at least it is in safe hands. The Attorney-General having decided that the matter is one of discretion with the Secretary of the Interior, we are in no danger in leaving it there until some measure of legislation shall be perfected.

Mr. BERRY. Mr. President, I distinctly stated that this resolution did not commit any Senator to the plan of removing the bath-houses from the reservation. I stated, furthermore, that my present impression was that that was the best plan, but that I had not fully matured a measure upon the subject.

The Senator from Indiana says we ought not to commit the Senate until it can be seen if legislation will be had. That is precisely what I seek to do by this resolution. It simply asks that the present status remain unchanged until it can be determined whether or not Congress will legislate.

I can see no injury to result to the gentlemen who own these bath-houses, because they are holding the bath-houses to-day on the same terms that would be included in a new lease if it were granted. What injury possibly can result to them? They hold the bath-houses on the identical terms that the new leases would contain. We only ask that these gentlemen be not granted rights and privileges now under which they could set up equities hereafter to defeat legislation. That is the object and purpose, and the sole purpose.

The Senator from Indiana says if these bath-houses were removed from there it would be confiscation. Mr. President, the Attorney-General in that same opinion decides that at the expiration of the leases this property was the property of the Government of the United States. They took their chances when they built those bath-houses. They took them for a period of five years, and until the opinion of Attorney-General Garland was delivered in October no one expected that there was any power within the Secretary of the Interior to renew these leases. All that we ask now is that the Secretary of the Interior shall not renew the leases, that he do not confer any additional right until it can be seen whether or not Congress will legislate on the subject.

Mr. INGALLS. Mr. President, these waters at the Hot Springs are

for the healing of the nation. They were of such recognized sanitary value that the Government of the United States took possession of them, and they now flow upon a public reservation. I understand that the administration under the system which was provided by Congress has up to this time been entirely satisfactory; but I am aware also that there is now, as there always has been, a studied and persistent effort on the part of private speculators to obtain possession of these waters for purposes of private gain. I think myself that the Government having taken possession of these springs, and having thus far administered them for the benefit of the entire people, there being no complaint so far as I know about the price that is charged for the baths or about the accommodations that are furnished for guests, we should not attempt any novel experiments in this business. I am willing that they should remain, where they now remain, in the custody of the Government of the United States under an officer as enlightened, as efficient, and as sincerely devoted to the public welfare as is the Secretary of the Interior. I am not willing that after the great struggle we had here six or eight years ago to obtain possession of these waters they shall be remanded again into the domain of private speculation, and that Congress shall be invited to legislate upon some scheme which may possibly result in the Government finally losing control altogether.

I was not aware that these leases had expired. I find in response to my inquiry that they have expired, and therefore the springs are now practically in the custody of the Government under a proposition, as I suppose, for a renewal. There should not be a renewal under any circumstances that would be onerous to the public. I admit that, and I therefore move that this resolution be referred to the Committee on Public Lands, if that be the appropriate committee, for the purpose of examining into the subject and reporting what legislation, if any, is necessary in the premises.

The PRESIDENT *pro tempore*. It is moved that the resolution be referred to the Committee on Public Lands.

Mr. JONES, of Arkansas. Mr. President, it seems to me that the discussion has drifted away from the sole point in this resolution. The Senator from Kansas expresses a very great desire that the Government shall not lose control of these waters. This resolution is intended to accomplish exactly that purpose. Under the legislation under which this matter has been managed for five years past provision was made for certain individuals having the control of certain lots of land granted to them by the Secretary of the Interior for a term of five years. These leases have expired. The lease-holders certainly had rights during those five years of time. Those rights are now out. The Government has properly the control of all this water; yet these parties remain in control of the bath-houses and are controlling the hot water just as they did while their leases went on; and all this is subject to the will of the Government of the United States. This proposition is to keep it in exactly that condition, to keep these bath-houses and all these rights subject to whatever legislation Congress may see proper to make.

If the Secretary of the Interior is allowed to go on and renew these leases and give these parties the right to hold the property for five years to come, that takes it out of the control of Congress for that length of time, for if they have the right to retain the leases for that time we can not interfere with any vested rights. If there is a reservation in the lease keeping the rights of the Government intact, then there can be no harm done to any of these parties, because they are absolutely lessees at will. They are lessees at will as the matter stands. There can be no question about this. The renewal could have no effect except to raise the question whether they were lessees at will or had vested rights for five years to come.

There is no good sense, it seems to me, in giving away this right of the Government and allowing these people this additional claim to a vested right. It seems to me proper for Congress to say there shall be no change in the present status until there shall be a declaration on the part of the legislative department of the Government of what its will will be in the management of this hot water.

It is entirely unnecessary to discuss now what policy the Government will pursue as to the management of the hot water. That must be matured in legislation yet to come. I have my own convictions as to what is best to be done; other gentlemen have theirs; but our opinions, whatever they may, ought to have no effect upon this matter until Congress acts. The point to be accomplished now is that we, having possession of the reservation and of the hot water, shall retain that possession until we see fit to take some definite and final action. That is the sole purpose of this resolution, and it seems to me the views expressed by the Senator from Illinois and the Senator from Indiana as well as the Senator from Kansas are all met by this resolution, and there can be no reasonable objection to its passage.

Mr. HARRISON. Will the Senator from Arkansas allow me to ask him is it not probable, is it not almost certain, that if some bill regulating this matter were introduced and pending, the Secretary of the Interior without any such resolution as is now before the Senate would allow matters to stand *in statu quo* until he saw whether Congress took any action?

Mr. JONES, of Arkansas. My colleague was under the impression that such would be the case, and for that reason he called on the Assistant Secretary of the Interior having charge of this matter before the session began and requested that no steps should be taken by the Interior Department until it was apparent that this Congress would or would not adopt some sort of legislation; but, to his surprise, on Friday last he found that notwithstanding the agreement, as he understood it to be, between himself and the Assistant Secretary, there had been one or two leases already made. He believed they ought not to be made, and if these parties get in by their leases they certainly will insist that the Government has no power to divest them of whatever rights they have under their leases by any subsequent legislation. It is to prevent this thing going any further that the resolution was introduced by my colleague.

Mr. VOORHEES. What injury to the public interest—and that is the only interest to be considered in connection with these waters—would accrue if these leases were all renewed for five years more, with those splendid bath-houses as they are now accommodating everybody?

Mr. JONES, of Arkansas. In answer to the Senator from Indiana I will say that it gives the half-dozen individuals who control these bath-houses the absolute control of a great national sanitarium that was intended for the benefit of all mankind, that was intended in the eloquent language of the Senator from Kansas for the healing of the nations, and instead of belonging to the Government or to Congress it belongs to a half-dozen individuals, who manage and control it for their own private interest.

Mr. VOORHEES. Pardon me, it does not belong to them; they are limited in their charges by the Government, and whenever that is the case there is no absolute property in them. They are there trustees for that water, and are allowed to charge only so much, and if that is a monopoly I do know what a monopoly is. I do not see how it is possible for the waters to be used except in the hands of somebody. They are placed in the hands of these people who have put their money in them, built these splendid bath-houses, and are limited by the Government to a certain stipend from each bather.

Mr. JONES, of Arkansas. In reply to what the Senator from Indiana has just said, I wish to remark that when the representative of the Government of the United States who has charge of the great hospital there, that was inaugurated, I believe, on the motion of the distinguished Senator from Indiana [Mr. LOGAN], proposed to use some of the hot water that we are told here belongs to the public and is not in any sense a monopoly, he had to pay the individuals who control it. If they do not own it, how does that come about?

Mr. VOORHEES. What affliction is the Government laboring under that it needs this hot water? What does it want the hot water for?

Mr. JONES, of Arkansas. I refer that to the Senator from Illinois, who was the originator of the hospital.

Mr. VOORHEES. I do not understand that the Government wants it.

Mr. JONES, of Arkansas. The waters are needed for the hospital.

Mr. VOORHEES. I know all about that hospital.

Mr. JONES, of Arkansas. Then why ask the question?

Mr. VOORHEES. To see whether you know anything about it. [Laughter.] The Senator from Illinois is justly credited with that great work, for he was on the Appropriations Committee and carried it through, but I might contest priority, I know, on the point of invention, even with him, for the building of that hospital and the covering of that stream which runs through the valley, but in the building of that splendid hospital, which is an honor to the Government and a credit to the humanity and benevolence of the age, I do not know of any use they would have for the hot water unless they had patients there. They will be entitled to the hot water as soon as they have wards and bath-rooms and tubs there; but prior to that, for any building purposes connected with its construction, I can not imagine what hot water was needed for.

Mr. JONES, of Arkansas. I should like to ask the Senator a question if he will yield.

Mr. VOORHEES. Certainly.

Mr. JONES, of Arkansas. If matters should remain *in statu quo* would the Government have to buy the hot water for the hospital?

Mr. VOORHEES. Undoubtedly not.

Mr. JONES, of Arkansas. Then why has it had to buy it?

Mr. VOORHEES. The Government owns the hot water and does not buy it now.

Mr. JONES, of Arkansas. It did so.

Mr. VROOHEES. Then it made a fool's contract.

Mr. JONES, of Arkansas. That may be, and I think this resolution will prevent the Government making another such a foolish contract as that; and that is a reason for passing the resolution.

Mr. LOGAN. I as well as the Senator from Indiana do not understand this statement about the Government having to purchase hot water for the Government hospital. For what purposes did they have to purchase it?

Mr. JONES, of Arkansas. I suppose for the purpose of construction.

Mr. LOGAN. Of erection?

Mr. JONES, of Arkansas. I presume so.

Mr. LOGAN. Then all I have to say is that if any superintendent of the hospital for the purpose of construction purchased that water, it was a fraud on the Government. I will say that, because there are

thousands of barrels of that hot water wasted every day, and below where there are any hospitals at all there are hot springs and hot water and it goes off in immense quantities. If the water was wanted merely for construction and he paid for it, he did that which he had no right to do. It was an imposition on the Government.

Mr. JONES, of Arkansas. My impression on that point is this: These hot springs come out, as the Senator very well knows, at a point higher than the location of the hospital. The water he speaks of that goes to waste runs at the foot of the mountain. It would be perhaps cheaper to buy the privilege from those who claim to own the springs and have the water go directly to the hospital than to have it pumped or drawn by horse-power or other means from the creek below. That might be a mere matter of expediency. The point I make is that the water is certainly not free while the agent of the Government can not control it.

The PRESIDENT *pro tempore*. It is the duty of the Chair to announce that the hour of 2 o'clock having arrived, the unfinished business is now before the Senate, being the bill (S. 9) to fix the day for the meeting of the electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President and the decision of questions arising thereon.

Mr. BERRY. I ask unanimous consent that the regular order be postponed or informally laid aside, or whatever the proper order is, until the resolution is disposed of.

The PRESIDENT *pro tempore*. The Senator from Arkansas asks unanimous consent of the Senate that the unfinished business be laid aside informally with a view to conclude the consideration of the resolution which has been before the Senate. Is there objection?

Mr. HOAR. I object to that.

The PRESIDENT *pro tempore*. Objection being made, the request can not be entertained.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 19th instant, approved and signed the following acts:

An act (S. 128) to authorize the Secretary of the Treasury to issue a duplicate certificate of deposit to the People's National Bank of Lawrenceburg, Ind.;

An act (S. 471) to provide for the performance of the duties of the office of President in case of the removal, death, resignation, or inability both of the President and Vice-President; and

An act (S. 602) to legalize the election of the Territorial Legislative Assembly of Wyoming.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. 3827) to remove the political disabilities of Thomas L. Rosser;

A bill (H. R. 3846) to remove the disabilities of Alexander P. Stewart, of La Fayette County, Mississippi; and

A bill (H. R. 4409) to remove the disabilities of Edward G. W. Butler, of Missouri.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 16) granting a pension to Mrs. Nancy L. Ribble;

A bill (H. R. 414) granting a pension to Daniel B. Clark;

A bill (H. R. 551) granting a pension to Rhoda Dane;

A bill (H. R. 602) granting a pension to Mrs. Anna D. W. Eichman;

A bill (H. R. 634) granting a pension to John Defenbaugh;

A bill (H. R. 646) granting a pension to Thomas M. Commuck;

A bill (H. R. 650) granting an increase of pension to Charlotte D. Crocker;

A bill (H. R. 693) to restore to the pension-roll the name of William B. Keith;

A bill (H. R. 698) granting a pension to Phillip D. Campbell;

A bill (H. R. 700) granting a pension to Mrs. M. A. Bickerdyke;

A bill (H. R. 702) granting a pension to Dr. J. F. Bruner;

A bill (H. R. 758) granting a pension to Alexander Harper;

A bill (H. R. 802) granting a pension to August Schindler;

A bill (H. R. 1468) increasing the pension of John P. Davis;

A bill (H. R. 1475) granting a pension to Margaret Flaherty; and

A bill (H. R. 4410) for the relief of John C. Clark.

The joint resolution (H. Res. 57) to print an addition to a report on wages, ordered printed January 17, 1884, was read twice by its title, and referred to the Committee on Printing.

CHIPPEWA INDIANS IN MINNESOTA.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of the 16th instant from the Secretary of the Interior, submitting, with accompanying papers, a draught of proposed legislation providing for negotiations with the various tribes and bands of Chippewa Indians in the State of Minnesota, with a view to the improvement of their present condition.

It is requested that the matter may have early attention, consideration, and action by Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January* 25, 1886.

NATIONAL CONFERENCE OF ELECTRICIANS.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, ordered to lie on the table, and be printed:

To the Senate and House of Representatives:

I transmit herewith a letter from the Secretary of State, which is accompanied by the report of the United States electrical commission of the proceedings of the national conference of electricians held at the city of Philadelphia in the month of September, 1884.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, January 25, 1886.

COUNTING OF ELECTORAL VOTES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 9) to fix the day for the meeting of the electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President and the decision of questions arising thereon.

The PRESIDENT *pro tempore*. The Senator from Alabama [Mr. MORGAN] is entitled to the floor.

Mr. DAWES. I ask the Senator from Alabama to consent to my getting the bill informally laid aside that we may finish the Sioux bill. I do not think there is going to be very lengthy debate upon the Sioux bill. It has been before the Senate now for a week in the morning hour, and I have not felt like asking the laying aside of the regular order heretofore.

Mr. MORGAN. I have no charge of the bill upon which I am about to submit a few remarks. The charge of the bill, I believe, is in the hands of the Senator from Vermont [Mr. EDMUNDS] and the Senator from Massachusetts [Mr. HOAR], and I do not care to interfere with the progress of the bill one way or the other.

Mr. HOAR. I hope we shall finish the electoral-count bill. It has been before the Senate four or five days, and been very thoroughly debated in former years and passed with great unanimity. It seems to me we ought to dispose of it.

The PRESIDENT *pro tempore*. Objection being made, the Senator from Alabama [Mr. MORGAN] has the floor.

Mr. MORGAN. Mr. President, the question upon which I desire to submit some remarks is fully presented in the amendment of the Senator from Ohio who occupies the chair [Mr. SHERMAN], proposed to become section 5 of the bill; and, as my remarks will bear almost entirely upon that feature, I send it to the desk that the Secretary may read that proposed amendment.

The Secretary read the proposed amendment of Mr. SHERMAN, as follows:

SEC. 5. If it shall appear from the action of the two Houses that they disagree upon any question submitted to them under the provisions of the preceding section, then the members of the two Houses, in joint convention, shall immediately, without debate, upon the roll-call of the respective Houses, vote upon the question or questions upon which there has been such a disagreement, and the decision of the majority of the members of the joint convention present shall be deemed final and conclusive, and the vote shall be counted accordingly and be announced by the President of the Senate.

That while the two Houses shall be in meeting as provided in this act the President of the Senate shall have power to preserve order; and no debate shall be allowed and no question shall be put by the presiding officer except to either House on a motion to withdraw, or upon questions upon which the two Houses have disagreed as aforesaid.

Mr. MORGAN. Mr. President, the bill reported by the committee has been frequently before the Senate, and has been heretofore discussed by many members of this body, and has been three times in substance voted upon by the Senate. In each instance the principles of this bill have been adopted by the Senate, on the last occasion without a division, and on each of the preceding occasions by a very decided majority. The first time the question arose in the Senate since I have been here it came up in the form of a concurrent resolution, which I had the honor to report from a select committee of this body when the Senate was Democratic.

The identical proposition which is antagonized by the Senator from Ohio and the Senator from New York was presented in that concurrent resolution, I think in the very language in which it is presented in this bill. The Democratic Senate, largely aided by Republican votes in this body, passed that resolution, as I remember. It went to a Republican House and they refused to concur in it. Indeed they filibustered in the House to prevent action upon it. Afterward, when the Senate became Republican, the honorable Senator from Vermont [Mr. EDMUNDS] brought forward this same proposition, and the bill was passed. It then went to a Democratic House and failed of consideration. I believe that it never came back from the committee to which it was referred, or, if it did come back, it was not considered by the House.

So in the debate on this question we may all assume that there is no political controversy involved, and that we are trying to find the bound-

ary and measure of our powers under the Constitution of the Constitution in respect to this very important matter.

From the foundation of the Government, or rather from the adoption of the twelfth amendment to the Constitution, this has always been an interesting question, and questions have arisen in the count of electoral votes for President frequently which both Houses have found it necessary to evade a decision upon by passing the resolutions referred to in the remarks of the Senator from Ohio.

I have heard it very frequently stated in debate, and more frequently in private conversation with Senators and others, that the Constitution of the United States needs further amendment upon this subject. I do not concede that there is any occasion for any further amendment of the Constitution. On the contrary, I believe that the highest wisdom has been displayed not merely by the original convention which adopted the Constitution, but also bythe Legislatures of the States and by the Congress which adopted the twelfth amendment to the Constitution. That original article was formed, and the twelfth amendment was adopted as a substitute for it, at a time when men who understood the whole scope and purpose of the Constitution of the United States were present in the respective bodies.

It is scarcely prudent in us to say that we now find at a later day that they have so contrived to confuse this great subject of the election of a President of the United States as to leave difficulties in it which must be removed and can only be removed by a constitutional ordinance or amendment. We are too apt in considering a question arising upon the twelfth amendment of the Constitution to look alone at the particular clause under discussion, and not to take in view the whole purpose of that amendment. We are too apt also to forget the fact that the States of the American Union, and not the people of the States, appoint the electors to choose a President and a Vice-President. We are too apt to forget that the office of elector in its original institution was intended to be a great and an independent office, in which the electors would be called upon and authorized to express their own personal conviction, if they chose to do so, as to the persons who ought to be selected for President and Vice-President of the United States.

The influence of popular opinion in the United States is so potent, so irresistible, and has interwoven itself so thoroughly with this question of the election of electors of President and Vice-President that they have got to be in popular estimation mere dummies, mere agents for the purpose of expressing the will of a partisan majority in this entire country. I do not know that I shall ever make an effort to reverse that tide of public opinion which has entirely subordinated and almost extinguished the high office of elector in the United States; at the same time, when we come to consider the constitutional questions with which we have the liberty of dealing, I must revert to the original character and power and authority and independence of this great office of elector of President and Vice-President of the United States, and still claim for them the full measure of their rights and independence as they are established in the Constitution.

In doing this I hope that in some future day of trouble I will be found to have done my duty to the country.

I find on looking into the meaning of the Constitution, as displayed in the twelfth amendment and in other parts bearing closely upon this subject, that there are three distinct electoral bodies, if not four, mentioned in the Constitution, each one in succession taking its turn in choosing a President and Vice-President according to the circumstances upon which its jurisdiction and authority arise, to act for whom? Not the people of the United States considered as people, but separately for the States of the American Union. The first electoral body is composed of the electors chosen by the States in such manner as the States by their legislatures shall prescribe. They compose the voting duties of the electoral college, as I call it, of the first degree.

Another tribunal, however, was made necessary to ascertain what votes these electors cast, the persons for whom they were cast, and to ascertain the result and perhaps to decide it. The two tribunals, one to vote and the other to count, were necessary from the fact that, in order to secure the absolute independence of the electors in the respective States the Constitution requires that the electoral vote shall be cast in those States. In order that the power of New York, for instance, with its great and dominant supremacy in commerce as well as in other respects, might not overawe the power of a State like Colorado, the requirement of the Constitution is that the electoral votes shall be cast in the respective States. That preserves the independence of the electors and enables the State government and the people of the State to supervise and secure the independence and the integrity of the action of their own chosen electors. That, of course, rendered it necessary that when these voters had voted another tribunal should be established in the Constitution of the United States for the purpose of counting the votes and ascertaining the result, and the two together compose the electoral body of the first degree, as I have said.

All the controversy that arises under this bill and the amendment of the honorable Senator from Ohio relates to the construction of some of the words which give power and jurisdiction to the counting tribunal of this first electoral college; but great light is to be reflected upon the determination of these constitutional questions by reference to the organization of the entire body of electoral colleges which may assemble, one after another, under that system.

The electoral college of the second degree is the House of Representatives which may then be in commission, composed of the members who have been elected and qualified in that House.

The electoral body of the third degree is the Senate of the United States acting separately, but only upon condition that the House has failed to elect a President; the first electoral body having also failed to elect a President; and then the Senate of the United States, acting as a separate electoral body and casting its vote not by States but *per capita*, chooses a Vice-President of the United States; and if on the 4th of March succeeding the general election there is no President of the United States chosen according to the Constitution, that Vice-President becomes President of the United States, as the law is now, for the full term from the 4th of March after his election, for four years. Therefore the Senate of the United States becomes in such an event an electoral body, having conferred upon it by the Constitution the powers of electors, which it exercises by a vote *per capita* in this Chamber.

The fourth electoral body, which perhaps is not less distinctively made such in the Constitution, is the Congress of the United States, which has what I term electoral power, for that is the nature of it as I conceive, to fill up a vacancy when one has occurred both in the office of President and Vice-President. That must be done by a law, and only recently both Houses have passed a law, and the President I understand has signed it, so that it is now the law of the land, by which the succession of the Presidency at the hands of this fourth electoral body has been changed entirely from the officers that were formerly qualified to hold it into the hands of the Cabinet ministers of the United States in a certain succession mentioned therein.

Then we have four distinct electoral bodies. Let me ask the Senate the question, When either of these electoral bodies finds itself possessed of a particular power defined and settled in the Constitution itself, can any other body in the United States interfere with them? Can the judiciary interfere with them? Can Congress by legislation interfere with them? Can anybody in the United States deprive that electoral body of its constitutional rights as defined therein? Why were these four electoral bodies ordained? Obviously because the first might fail and the second might fail, and if the second fails the third might proceed; and the third might fail and the fourth might proceed, and thereby secure not merely the perpetuity of the Government, but the transmission of the executive power from hand to hand without obstruction, without friction, and without danger.

Sir, with this grand scheme standing before us thus ordained and established and nicely adjusted in the Constitution of the United States we should be wary how we interfere so as to give the slightest disturbance to it. I for one confess that I see no occasion for a constitutional amendment, for I see in this wise and conservative action of the founders of our Government and of the Congress and the people who afterward amended the Constitution by the twelfth article perfect security for the transmission of the Presidency from hand to hand through all the coming generations of men that shall ever enjoy the blessings of this great Government.

After this definition of the general subject I propose to address my remarks to the precise question before the Senate, which is embodied in the amendment of the Senator from Ohio, which is that we should usurp into the hands of Congress a power that is not given to us in the Constitution, and a power the exercise of which under the proposed amendment of this bill would tear down and destroy the first of these electoral bodies.

The leading provisions of this act relate to and are intended to execute the single clause in the twelfth amendment of the Constitution in these words, "and the votes shall then be counted."

The duty thus enjoined is mandatory and is also peremptory, and rests with all its grave responsibilities on the oath-bound consciences of all persons concerned in counting the votes. No person who is not a Senator or Representative, except the President of the Senate (who may not be a Senator), can participate in counting the votes.

The Constitution requires that the House of Representatives and the Senate shall be present when the votes of the electors are opened and counted, but is silent as to the number of Senators or Representatives who shall be present. Upon the principle of the inclusion of the one there is necessarily to be implied the exclusion of the other. When we find that the Constitution says that the Senate and the House of Representatives shall be present at the opening and counting of these votes, it means that no other tribunal can be there, to say the least of it, and participate in that count.

The number of individual members of either House required to be present is mentioned in the twelfth amendment, where each House is resolved by the mandate and force of the Constitution into a separate electoral body, so that the Constitution, when it is silent as to the number required to compose a house to be present at the count of the votes under the twelfth amendment must refer for the number required to be present to section 5, Article I, which provides that a majority of each House shall constitute "a quorum to do business." This means in both Houses a majority of all the elected and qualified members. When the Senate and the House of Representatives meet to count the votes, or to hear them counted, they are and must be as complete and separate in their constitutional organization as they are when they are in session in their respective Chambers.

I think I need scarcely remind you that a voluntary assemblage of Senators and Representatives, though met on the day appointed by law or by resolution of the Houses for the counting of the votes, without being organized under the presidency of the President of the Senate or the Speaker of the House, could scarcely be called the House of Representatives and the Senate of the United States. Suppose, sir, that in the absence of the Speaker the members of the House should assemble there, or in the absence of our President the members of the Senate should assemble there, would that be considered a meeting of the House and Senate within the meaning of this requirement of the Constitution of the United States? According to the Constitution, each House when they are so in meeting remains under the presidency of its own officer. We frequently hear it stated that the President of the Senate is the president of the joint meeting. If he is, it is only by reason of some rule or agreement between the two Houses. The Constitution is silent upon that point. The Constitution speaks of no officer who is to preside over the joint meeting.

The Constitution does not any more disqualify the Speaker from presiding over the House when the Houses are met than it authorizes the President of the Senate to preside over the House, and there is no presiding officer named in the Constitution on that occasion for either body. It is a house, and that is enough. To be a house in parliamentary law and in constitutional law it must be organized under the presidency of its rightful officer. The Constitution merely confers on the President of the Senate the special duty of opening all the certificates, which it requires shall be transmitted to him, of the persons voted for for President and Vice-President.

The House is here, we will say, assembled on that side of this Chamber, its Speaker presiding. The Senate is here assembled on this side, its President presiding. That fulfills the Constitution to the letter and in spirit also, and the President of the Senate can not even call the Houses to order except by common consent. His duty as fixed in the Constitution is that in the presence of the two Houses he shall open the certificates, and the votes shall then be counted. This is the whole of it. That act certainly would not disorganize the Senate. That act has no tendency to disorganize the Senate. The President of the Senate may perform this act of opening the certificates, handing them to the tellers, or whoever else is required by law to receive them, without the slightest impression upon the organization of the Senate. On the contrary, the Senate must be present, as such, when this act is performed, in order to make it valid.

The opening of the certificates of election sent to him by the express mandate of the Constitution—for he is named in the Constitution as the person to whom they are to be sent—is a duty outside of his duty as President of the Senate under other circumstances, outside of any legislative or parliamentary control of the body, and it has not, I repeat, the slightest tendency to disorganize the body, nor can any inference be drawn from the duty imposed on him on that occasion that the Senate is not the Senate when met in the presence of the House.

So far there is no hint in the Constitution of the dissolution of either House into its original elements, nor of a common membership in both Houses of the persons who belong to each House. On the contrary, the Houses, as such, must be present when each and every vote is opened and counted, and it must be in session with a quorum to do business. No other business could then be in order when the Houses are in meeting but the opening and counting of the votes for President and Vice-President, because the Constitution requires the Houses to be present on that business. And it nowhere authorizes them to be present with each other on any other business. So that the sole business the Houses have to deal with is the opening and the counting of the votes, and that business must be performed by them as Houses, and not through the individual membership of each House, without organization, or in some blended arrangement.

I am asked by the honorable Senator from Mississippi what function they perform. I did not intend to spread my argument over that view of the case, because it was not necessary to the point that I am debating.

Mr. GEORGE. Then I withdraw the suggestion.

Mr. MORGAN. I have my views about the function they perform, but it is not necessary that I should express them now. I can say, however, that they can not perform any other than constitutional functions.

Now, how this business may be transacted by the two Houses is a matter to be regulated by agreement, or by law, and is what this bill seeks to regulate. But it must be so conducted that a majority of each House shall declare the will of that House on every question that arises upon the business before them. That is a proposition that is considered self-evident. Each House, when in session, must in every case, where it takes any action, declare its will by a majority vote of "a quorum to do business," unless the Constitution otherwise directs. This is constitutional law, and it is also parliamentary law.

No House can through its membership declare its will otherwise than under its organization and pursuant to its constitution; and the will of a majority in each House fixes irrevocably the act of the House, so far as the binding of its membership is concerned, by the authority and influence of that will so expressed. Neither House, when in session, can permit a member of the other House to participate in its actions or deliberations. We can not invite any member of the House of Representatives to take a seat in this body and participate with us in our deliberations either in speaking, in making motions, or in voting. We have no such constitutional power and the House has no such constitutional power. We can take no cognizance of a member of the House of Representatives as being authorized to participate with us as an individual in any of our deliberations or actions. So, on the other hand, can not the House do the same thing.

So that, if the respective members of the Houses may vote together and in common on any question of counting or rejecting an electors' vote, it must be at a time and on an occasion when the Houses are not in session; it must be when the Houses are in recess or are adjourned; and yet we find that a House that is in recess or adjourned is not a House that can participate in the opening or counting of the electoral votes.

Let us see how the opposite idea of the Senator from Ohio would work. Here is the vote, I will say, from the State of Illinois, that determines the result of a Presidential election. It is not counted by the Houses. They have made the effort to count it under the proposed amendment of the honorable Senator from Ohio as well as under this bill, and they have failed, because they have not agreed to count it. Being divided in opinion, they can not count it. Then, in order that it may be opened, if that is the question, or that it may be counted, if that is the question, and in effect the amendment of the Senator from Ohio requires that the Houses must dissolve, or recess, or adjourn, so that the will of the majority in each House, which has been just expressed, shall not bind its membership, and that each member may be permitted to find recruits to support his views, which were lost in the body to which he belongs, among the members of the other body. In this new, heterogeneous, and ungoverned assemblage of the *disjecta membræ* of the two Houses, no longer in session, the question is put, "Shall this package, purporting to be a certificate of votes of electors from Illinois, be opened, one certificate from that State having been already opened, but not counted?" The vote of the meeting is no.

The vote of the electors in that certificate is suppressed, and A is elected President instead of B by an act which is not done in the presence of the Houses, but in presence of a meeting of the members of both Houses. If the question is, "Shall the vote just opened be counted, notwithstanding there are other certified lists of votes of electors from Illinois that have been duly transmitted to the President of the Senate and have not been opened," and the vote of the meeting should be ay, that result would prohibit the opening or the counting of any other vote from Illinois, and would take from the President of the Senate the constitutional right to open the certificates, that came duly to his hands, in the presence of the Senate and House of Representatives, because neither body would be present in a capacity to do business. A general meeting of members of both Houses would in the case I have supposed have overruled the action of one of the Houses and totally set aside its will as declared by its majority vote on precisely the same question.

If this notion of a new constitutional power is not drawn solely from the generous warmth and fertility of the imagination of the Senator from Ohio, he ought in justice to mention the great constitutional authority whose name must have escaped everybody's recollection except that of the honorable Senator, so as to inform the Senate of its authorship. To my apprehension it is entirely new.

The Senator from New York contents himself to support and re-enforce this new discovery of constitutional power to open certificates and count the votes of electors when the Houses are not present, but are adjourned, or in recess, or are dissolved, by the great weight, everywhere admitted, of his opinion, which he gives us in round full orb, without taking the trouble to display the analysis or the synthesis of the subject—of its root, its growth in logical development, or its progress of ripening in the warm sun of the splendid autumn of his wisdom.

The honorable Senator, whose coming here is welcomed by the country as a great power added to the Senate, is filled with a sudden dread that the Senate, when differing with the House of Representatives in counting a vote that would settle an election, might, by so differing, cause the House wickedly to make an opportunity to defeat a choice by the electors appointed by the States and seize the power to elect a President as the electoral body of the second degree provided by the Constitution. If we must grant, for the sake of the argument, that the members of the House could so readily disburden their consciences of the grave obligations of their oaths as to thus capture the position from which the House could dictate the succession in the Presidential office, it may be asked on what rule of probabilities is it ascertained that the danger to the Senate would be less when seventy-six Senators are voting pell-mell with three hundred and twenty-five Representatives than when the one vote of the Senate is equal to the one vote of a House that has set out to capture the Presidency by rejecting the vote of a State like New York, so that no candidate should receive a majority of the votes of all the electors appointed by the States?

The amendment of the Senator from Ohio provides for this mixed vote only in case the Houses have first disagreed in counting the vote of a State.

The Senator admits that it is the right of the two Houses to separate themselves, and as Houses to pass upon the question whether the vote of a State shall be opened or whether it shall be counted; but after they have separated and passed upon it and the Senate has expressed its will, which is binding everywhere upon the members of the Senate, when they meet again, after having disagreed, he proposes that by law the individual members of the Senate and of the House shall become what? The electoral body to choose a President of the United States. For, as was observed by the honorable Senator from New York [Mr. EVARTS] the other day, this question never becomes a significant or material one unless the particular act to be performed is one that would change the result of a Presidential election. Then there being two votes from a State, two sets of certificates, each certificate I will say under the great seal of the State, and both have been opened, the question is submitted to each House separately, Which of these votes will you count, which will you declare to be a vote emanating from the constitutional authority of the particular State? The Houses take the subject, they decide it each for itself, and they disagree and make a record of their disagreement, which record binds every member of each House, there being a majority vote in favor of a given proposition. After this solemn action on the part of both Houses, that question which is to decide the fate of a Presidential election is brought back before the individual membership of the two Houses.

Now let me ask if that question, thus pregnant with importance to the people of this country, which decides the fate of a Presidential election, is submitted to the men who are members of the House and members of the Senate to be voted upon per capita and to be decided according to the voice of the majority of that assemblage, is not that an electoral body? They are not legislatures; they could not consider the question of removing the disabilities from a rebel even though they might wish to do it; they have no function or duty there except in connection with the constitutional mandate that the vote shall be opened and counted in their presence.

But the amendment of the honorable Senator from Ohio, when it brings them together after the two Houses have failed to agree, confers upon them the authority of a new electoral body, and their vote elects the President of the United States. Thus the Constitution having ordained that there shall be four successive electoral bodies, and having given them powers that are intended to cover every emergency that can arise, the Senator from Ohio seeks to create a fifth electoral body, and thus amend the Constitution by an act of Congress.

Can there be a more towering threat or a greater danger to the limitations of constitutional organization and power than that which the honorable Senator from Ohio, sustained by the honorable Senator from New York, bring forward when they declare the right of Congress to create an electoral body, which the people have never chosen, with reference to the election of a President of the United States, and that that electoral body shall decide the question for the States absolutely, and in doing so override and break down the deliberate opinion, as voted and recorded, of one of the co-ordinate branches of the great legislative department of this country. Sir, I can only characterize it as a daring movement against the Constitution. It brings the electoral powers of the States into judgment before a tribunal to which the Constitution has never made them subject.

If it had been proposed that this question should be submitted to a committee of one hundred men to be appointed by the President of the Senate, we would have no more authority to do that than we have to confer upon this pell-mell organization the powers of an electoral body under the Constitution of the United States.

In the case of the wicked scheme suggested by the fears of the Senator from New York, if the House wishes to seize the Presidency it would first vote to exclude from the count the vote of a State which would deprive a candidate of a majority of all the votes of the electors appointed. This could only occur where the majority in the House were all ambitiously wicked or were corrupt. But in almost every such case the corrupt majority in the House (I dislike to indulge in such conjectures) would be strong enough to overbalance the minority with the votes of the virtuous element of the Senate added to it.

It ought to be taken into calculation also that perhaps a Senator is not, in a political sense, always altogether a virtuous man, and that the motives and incentives of a high ambition, or even the stimulating efficacy of party zeal, might cause a Senator, as it has sometimes, we believe, caused Supreme Court judges, to abandon the atmosphere of purity and simple justice and act on other motives in his desire to adhere to the dictates of a party in deciding a question relating to this great subject of a Presidential count. It is not to be calculated that every Senator who went into this political meeting would always vote for the right against his party. We are just as apt to find a corrupt Senate as we are to find a corrupt House, either in the past or in the future.

The Senate as a body, with its traditions now too proud, and its character too well established to admit of a voluntary disgrace, is stronger for the right and is a more powerful enemy to fraud and unholy ambition than its members individually could be when disbanded to take part in the tumult of a meeting, where the vote of two districts would equal the entire vote of the State if cast in the Senate.

If the House should, under this bill, as it is conjectured it might, seize the power to become the electoral body of the second degree, has it not occurred to the Senator from New York that in such a case the 325 votes would shrink to 38, to be distributed by the accident of majorities in the districts of the States respectively?

The doctrine of chances, which alarms the Senator from New York, would dismay a mountebank if he could see no clearer way to fleece his victim in a hundred trials of depraved trickery than the House would have to seize the Presidency through a scheme that has so startled the Senator from New York with its sudden and unexpected materialization, and has caused the Senator from Ohio to warm up with a new fervor of devotion to the rights of the people, whom we all know he loves so tenderly. The Senators can have no real occasion for alarm.

The Senate, in whose body the equal influence of a State can never be disturbed, is a safer guardian of the right which belongs to a State, and only to a State, to appoint electors to choose a President, than any other body, however constituted, in which the two Senators from New York would mingle their votes and dissipate their power among thirty-four Representatives. Both the Senators who have opposed the bill seem to regard with horror the fratricidal blow which destroys the vote of a State that both Houses can not agree to count. I share in their unhappiness, but it is sometimes unavoidable. They seem to forget that this result can only occur when there are two alleged States in the same limits, and that one can not live unless the other dies.

The bill of the honorable Senator from Vermont submits this question to the two Houses separately and their disagreement destroys the vote of the State, as we say, only in case there are two sets of returns regularly on their face under the Constitution, which it appears to be the duty of those who participate in the count to consider, and if the Houses can not agree upon that, of course the vote is lost. They seem to forget that this result can only occur when there are two alleged States in the same limits, and one can not live, as I have remarked, unless the other dies.

It is the painful duty of somebody to declare the survival of the fittest when two sets of electors from the same State send up in due form, according to the Constitution, two sets of lists and votes of electors, each regular on its face. And the real question seems to be whether we will decide the matter by constituted tribunals, according to usage and with the deliberation and composure of judges, or whether we will disband our court, join a mob, and inflict the death-penalty on the one we like the least. But it is asked, Why do you destroy the votes of both sets of electors because the Houses can not agree as to which of them is lawful? I answer, because the fault of the State has made it unavoidable. I answer further, distinctly and without reserve, that I take the ground of rejecting the vote of a State in such a case because that is the true course as indicated in the Constitution, and not because merely it is the best we can do under the circumstances.

There are four distinct electoral bodies under the Constitution, as I have argued.

I will add, for the sake of a clearer definition and to free the discussion from embarrassment, that the people are not, and under our Constitution can not be, electors of our President and Vice-President. Their powers, in every instance, are indirect, and are represented through their States and by the agents of the States, except that the people elect the members of the House of Representatives, who in voting for President represent their States.

A rule of constitutional law which would govern one of the electoral bodies of the first, second, or third degree ought, by analogy, to govern in either of the other two where the circumstances are alike. When the House votes for President, if ten of the Representatives from Illinois vote for A and ten vote for B, the vote of the State is balanced and entirely lost; and that according to the provision of the Constitution. So we find the Constitution, *ex industria*, providing for a case, when the House comes to vote (and they vote by States in the House), where the balance of the vote, the tie between the ten on one side and the ten on the other, annuls the voice of the State in the electoral count.

Shall we say in such case that the vote is lost by a tie in the electoral power in Illinois by the inability of the State to act? That is true if the power of the State expressed according to law is the true electoral power. If we say, however, that the true electoral power is the will of the majority of the people of Illinois as expressed in the ballot-box, the tie vote in the House, which expresses the will of each of the twenty Congressional districts, reverses and destroys the will of the State. Ten of these representatives may represent 100,000 more of the people of Illinois than the other ten. This is the destruction of the electoral power of Illinois, in the case supposed, by the act of her own electors who sit in the House—the electoral body of the second degree. If they can constitutionally destroy it by a tie vote, why may not the Houses destroy it? This is a greater evil and, as our history shows, far more dangerous to the public tranquillity than any that have startled the Senators who oppose this bill, and that seem to have frightened them into the still more dangerous expedient of dismembering the Senate in a case where so ruthless an act might seem to be a necessary sacrifice to save the electoral vote of a State.

But this precise method of destroying the electoral vote of a State by a tie vote of its members in the House is provided for in the Constitu-

tion. This may be styled the death of the electoral vote of a State *per infortunium*. Another method of destroying the electoral vote of a State by the act of the electors in the college of the second degree that the Constitution permits is where a State delegation in the House withdraws or fails to be present, which I suppose might be termed *felo de se*, or death with suicidal intent. A third method of destroying the entire power of the House to elect a President is for thirteen out of the thirty-eight States to be absent from the body, for it requires two-thirds of the States to have a representation on the floor of the House to constitute a quorum to elect a President. It also requires the vote of a majority of all the States, including those not present, at the election to choose a President. Thirteen of the States of the American Union finding that a person is to be elected whose election instead of executing reverses the public will, thirteen States finding that fraud has been perpetrated in one or both of the Houses in counting an electoral vote or in refusing to count it in order that the election may be devolved upon the House of Representatives, can quietly withdraw from that House and break its power.

Are not these ample guarantees to the minority and to the Senate that the mere brute force of three hundred and twenty-five men in the House shall not be successfully used to annul the power of the Senate in counting the votes of the electoral college of the first degree, and that the House can not have its own sweet will in choosing a President.

Another guarantee is that the House can only elect a President from the list of persons, not exceeding three, who have received the highest vote in the college of electors of the first degree.

Then comes the final guarantee to the Senate, which stands by as the electoral body of the third degree to execute the will of the States.

If the House fails to elect a President by the 4th day of March next succeeding the time of choosing electors fixed by law, the President elected by the Senate, voting per capita, shall, on the 4th March next after the general election, become, as the law now is, the acting President of the United States for the next full term.

Now, the whole scope and purpose of this bill is to provide in advance against possible or probable events that may give rise to trouble and friction in transferring the executive power from the hands of one person to those of another. The objections of the Senators from Ohio and New York consist mainly, if not entirely, in this specific difficulty, that the House of Representatives, in order to usurp the electoral power into their own hands, may dishonestly refuse to agree with the Senate in counting the votes of the electors of a State. Without respect to the inherent improbability of such a danger, is it not clear that the House would not once in a hundred or a thousand such events find itself able to exercise the power it had thus seized, as against the power of thirteen out of the thirty-eight States, to destroy the constitutional quorum?

Thirteen States out of thirty-eight can always remand the election of the real President to the Senate. Will it ever be that thirteen States will not be found that will meet a revolutionary and traitorous scheme of the majority to seize the Presidency, against the will of the people, by resorting to the simple, rightful, and constitutional duty of turning their backs upon the fraud, and of refusing to be present so as to aid in its consummation?

I confess that I look over this subject with exceeding gratification, and with increased veneration for the builders of our constitutional system, when I find that the Senate has been made the very keep and citadel of the rights and powers of the States, to preserve for them inviolate, and against all enemies, their great function of electing the President of the United States.

I would not, if I could, either by legislation or by constitutional amendment, lay hands on any part of this great system of successive electoral bodies, with their present wise adjustment; behind two of which the Senate stands as the third in degree, and more conservative than any, with powers adequate to save the country against any evil consequences that may arise from the disagreements of either of the electoral bodies of the first and second degree.

The Senate and the Supreme Court are our only perpetual bodies, and they are or should be far removed from all temptation to seize upon powers that are revolutionary or dangerous, or to surrender any powers that they rightfully have. The States are constantly finding in these bodies their shield of protection against encroachment and abuse. The States would not long survive in the Union the loss of these sheltering tribunals. In this bill there is but one sentiment, and that is to secure to each State its full electoral power, to be expressed and exercised, as far as may be, under the Constitution, through its own laws and through the final and conclusive judgment of its own tribunals. It is a bill worthy of the Senate, and recalls, with force, our attention to and our approval of the fact that this body is the still powerful and still consistent friend of the rights guaranteed to the States.

The States elect the President and Vice-President of the United States, and this bill is well adapted to secure to every State the free and final power to declare its choice through its own methods and authorities. If they are unwilling to take part in any election they can not be forced to do so. If faction dominates the State so that its true voice is difficult to distinguish, its own tribunals can decide and should decide the controversy, and make its decision, whether right or wrong in the light of prevailing opinions elsewhere, still final and conclusive on everybody.

If political revolt within a State has instituted dual governments there, one *de facto* and the other *de jure*, so that two returns are sent to the President of the Senate, somebody must decide which is the true return from the true State.

That tribunal must be the Houses, as only the Senate and House of Representatives can be present with authority at the count of the vote.

This tribunal is essentially appellate in such a juncture, whether the appeal is to be tried on the record, or on the facts that may impeach the record, or on facts that may be added to the record. Both certificates are laid before this high and peculiar council of state, consisting of the two great organized Houses of Congress, and, each having an equal voice, they fail to agree.

Each appellant loses its case, and the voice of the State is silenced. All cases of appeal are lost where the appellate court is equally divided, and men, possibly innocent, have been hanged on the force of that inevitable law.

That the vote of a State should be thus killed would be a misfortune, and its pitying epitaph might be "*inter arma leges silent.*" But in the majority of cases the fault of the State to provide for the preservation of order within its limits would be the real cause of the loss of its electoral power for the time, and it would have no just power to complain of the judges if they could not discern the real lines of justice and right in the tumult of strife between rival parties of factionists or patriots, who may have usurped the powers of the State under the forms of its laws.

Cases of extreme hardship are always arising in all tribunals, but they only serve to modify the rigor of judgment to the degree that is permissible without making shipwreck of principle. Under this bill the cases will be rare in which a State is without fault if it permits two sets of votes of electors to be sent to the President of the Senate in the name of, and under the great seal of, the State. If the States will not dutifully exercise their own powers, so that their rights can not be abridged, they can not justly complain if the two Houses, met to count their votes, are unable to agree as to which of two sets of electors are the rightful representatives of the electoral powers of such States. If the vote is lost in such cases, the fault is wholly with the State.

Twice I have recorded my vote in the Senate in favor of the principles of this measure and once in favor of a concurrent resolution which was based on the same views I have just expressed. On each occasion I have voted with the majority in the Senate, once when the Senate was Democratic and twice when it was Republican, the last time without a division. So this has never been a party question in the Senate since I have been here. I prefer a concurrent resolution, because it is equally as efficacious as a bill, and it is free from the disagreeable fact that the President is to participate in legislation that may directly interfere with a subject of the highest personal interest to him.

No power of legislation can so bind the will or regulate the conduct of "The high council of state and discretion," as my former honored colleague from Alabama (Mr. Pryor) aptly named this electoral body of the first degree, as to make it possible that any other department of the Government can annul or set aside its decree. It may trample under foot every law we enact, and every rule we agree to, and promulgate its decree as the final and conclusive settlement of the question as to who is elected President, and yet its decree will stand. A law will be as a cobweb and a joint rule as a rope of sand as against the power of this tribunal.

No power in this Government can or ever will set aside and annul the declaration of who is elected President of the United States when that declaration is made in the presence of the two Houses of Congress; so that whatever law we may pass, whatever rule we may agree upon, we do no more than to impose upon the consciences of members a sentiment of obedience to law. We can not annex to the law or to the rule any penalty or any sanction by which either can be enforced after the two Houses, met together to count the Presidential vote, have willfully violated and destroyed it and trampled it under foot, and yet have counted the votes and declared the result.

The honorable Senator from Vermont remarked recently in debate that there is a point beyond which you can not bind the human conscience. There is a power in this country existing in most of the tribunals which no one has a right to question or disregard. A decision of the Supreme Court of the United States might be made as a result of bribery, yet there is no power in the country that can set it aside; that is the supreme tribunal. The votes of the Senators in this body might be cast in favor of or against a measure under the direct influence of bribery, but there stands the vote and there is no power that can set it aside because bribery might have influenced Senators in casting it. The vote stands and no power remains to set it aside by searching into the motives of the men who cast it. So this joint tribunal may vote down the voice of the State's electors, or it may sustain one set of certified votes in preference to another, and after the act has been done the power to revoke it, even the power to question it, has passed beyond human control; the only answer is, in such a case, *ita lex scripta est.*

Why then should we call to our aid the mere moral power of a President's approval of a law which nobody can enforce, when, in doing so, we compromise him, in some sort at least, by asking him to pass judgment on a rule which might make or unmake him as the next President?

I prefer to keep free from Presidential interference, whether it is in-

vited or volunteered, in a matter where the Constitution assigns to him no duty and a proper caution warns him not to intrude. It is a matter where, under the Constitution, no duty is assigned to him, and from which he can abstain, as Mr. Lincoln abstained from acting in a case of the kind, without the slightest danger to the liberties of the country. I agree with Mr. Lincoln in his message to Congress, dated February 8, 1865, on the question of his participation with the Houses in the declaration respecting the electoral votes of Tennessee and Louisiana, which I will read.

As I remember the incident, the two Houses passed a joint resolution and sent it to Mr. Lincoln for his signature before his second election was declared. That resolution expressed the will of Congress that the votes of Tennessee and Louisiana were not entitled to be counted in the electoral vote, and while that had no effect upon the election, it had such a connection with it as that it aroused the sensitiveness of Mr. Lincoln's nature. He did not return the resolution to the House in which it originated until after the votes had actually been counted. The House then adopted the twenty-second rule as a substitute really for that resolution because, I suppose, they had been informed of Mr. Lincoln's intention not to participate in any way in that election, and after the election had been declared he returned the resolution to the Senate with the following message:

To the honorable the Senate and House of Representatives:

The joint resolution entitled "Joint resolution declaring certain States not entitled to representation in the electoral college" has been signed by the Executive in deference to the view of Congress implied in its passage and presentation to him. In his own view, however, the two Houses of Congress, convened under the twelfth article of the Constitution, have complete power to exclude from counting all electoral votes deemed by them to be illegal; and it is not competent for the Executive to defeat or obstruct that power by a veto, as would be the case if his action were at all essential in the matter. He disclaims all right of the Executive to interfere in any way in the matter of canvassing or counting electoral votes; and he also disclaims that by signing said resolution he has expressed any opinion on the recitals of the preamble or any judgment of his own upon the subject of the resolution.

ABRAHAM LINCOLN.

It is dated February 8, 1865, but it was not sent in until the day after the count took place.

Now that is a worthy example, Mr. President. That message of President Lincoln shows that he was a man who was considerate of his own personal honor and sensitive in respect of any intrusion upon the power and authority of another department of the Government, or any electoral body where the Constitution did not make him expressly a participant in its action.

For that reason, and only for that reason, and because, as I have stated, there can be no sanction given to a rule or to a law which the two Houses cannot trample out at their will and defy, I have always believed that a concurrent resolution between the two Hauses regulating in advance what would be their method of action as questions arose of the kind that are presented in the bill for consideration was the thing that we ought to do. Nevertheless, because others have differed with me in that regard who concur with me in the great point that the two Houses and not the President of the Senate are the bodies who are to regulate and decide questions that arise upon the count of the votes, I yield my opinion upon that matter.

Still, it does seem to me that the President of the United States if he can use the approving power can equally use the veto power, and if we should unfortunately enact a law, for instance the amendment which the honorable Senator from Ohio suggests, and the President should approve it now, and it would turn out that on the last days during the last Congress he has to serve during his incumbency of the office that the different districts in the United States had sent men here who were Democrats in a large majority in the House, say a majority of seventy-five or one hundred, but that when the elections in November came around the people had pronounced against the Democratic party, if you please, by a majority of one hundred in the electoral college, it might be that this very law which the honorable Senator from Ohio wants to put upon the statute-book would enable the House of Representatives with its great majority united with the Senate to defeat the will of the people.

Mr. SHERMAN. Mr. President——

The PRESIDING OFFICER (Mr. CHACE in the chair). Does the Senator from Alabama yield to the Senator from Ohio?

Mr. MORGAN. Yes, sir.

Mr. SHERMAN. The Senator from Alabama and myself have only the same object in view in this matter, and I will ask him a question. Take the case he puts, where the majority of the House is largely against the result of the vote of the electoral college as shown upon the face of the papers, does not the bill as it stands enable the House by a bare majority of one or two or three to reject the vote of a sufficient number of States to nullify the electoral college? Is not that the difficulty? While the proposition I make does not entirely cure it, and I admitted that in the argument, it does bring another element into play, and that is the conservative force of the Senate. I ask the Senator whether the real trouble with the bill is not that a bare majority of the House of Representatives, whose conduct itself might have been the cause of the people revolting and voting against the party which was represented by that majority, might set aside the votes of the people in the electoral college?

Mr. MORGAN. Certainly; I do not deny that a corrupt House of Representatives or one strongly under partisan influence, with a large majority, I will say, in favor of the Democrats, could disagree with the Senate upon the question of which of two sets of returns was the proper one from the State of New York. I will put it that way.

Mr. SHERMAN. Would the Senator like to see that power put in the hands of a majority of either party to defeat the will of the people?

Mr. MORGAN. The Senator from Ohio by his amendment puts it there in the event that the majority of Democrats in the House added, we will say, to the minority of Democrats in the Senate, constitute a majority of the two Houses in the meeting, and in that case, although the President elected, a Republican, might have 100 electoral majority, or something like that, the House by disagreeing in cases of the kind that we have supposed might reverse the entire action of the people in choosing their President and relegate the whole question of the decision as to who was to be President of the United States to men who might have been elected on local issues, such as the cleaning out of the Kiskiminetas or the Cahawba River, or some local question of that kind which belonged to the particular district.

Mr. SHERMAN. What I ask is, does not the bill as it now stands reported from the committee enable either House to do that by a party majority by disagreeing on the count of the electoral vote?

Mr. MORGAN. I have admitted it, and those who framed the Constitution foresaw that such a thing as that might take place, and consequently they put into it a second electoral body or a third electoral body. They put it also in the power of thirteen of the thirty-eight States by simply withdrawing to break the quorum and prevent an election. Now that is guarantee enough. When thirteen out of thirty-eight States, desiring to prevent the consummation of a terrible fraud of the character which is supposed by the Senator from Ohio and which I confess might take place, can prevent it by simply turning their backs on the fraud, as I have observed, and going away from it and breaking the quorum, is not that a great power in reserve?

I do not pretend that the bill covers every evil, but I do say that the bill has in it two principles that are undeniable. The first is that the Houses must be present in their organization to witness and control the opening and count of the votes; and the second is that whatever tribunal acts as a tribunal of control, whether we call it an appellate tribunal or what not—when a tribunal acts as a tribunal of control over other tribunals and it consists of two members, it has always been held that where they could not agree the judgment of the inferior court would stand. Where they can not agree, says the bill, there is no electoral vote because they can not agree. Their disagreement as to which of two electoral votes shall be counted necessarily excludes both lists from the count.

Mr. SHERMAN. That is just what I should like to accomplish, but I do not so understand it. The bill provides that where the two Houses disagree the judgment of the electors shall not stand; that the vote shall not be counted either way to change the result. There is the difficulty.

Mr. MORGAN. That is because there is a tie vote. Let me ask the honorable Senator from Ohio if the same thing would not occur in Illinois in case the House was electing a President, and there were ten Democrats there and ten Republicans—twenty Representatives. What would become of the vote of that State?

Mr. SHERMAN. Under the old law, prior to 1866, the result was that the Senate had often many vacant seats, because of disagreement between the two houses of State Legislatures; and therefore by public opinion it was——

Mr. MORGAN. I am speaking of the electoral vote. I am speaking of when the House is electing a President, and the State of Illinois, having one vote out of thirty-eight, is called, and ten members vote for A and ten vote for B in that House. What becomes of the vote of Illinois?

Mr. SHERMAN. If there is a tie vote in the electoral college the House of Representatives immediately proceeds, under the express provisions of the Constitution, to elect a President.

Mr. INGALLS. No, not a tie vote.

Mr. MORGAN. The Senator is quite mistaken, there is no election. If there is a tie in a State that gives a candidate less than a majority of all the votes of the States, there is no election.

Mr. INGALLS. There is no election.

Mr. SHERMAN. There would be no election in the case of a tie vote.

Mr. MORGAN. And if there is a tie vote in Illinois, which has twenty Representatives, the vote is not counted. Because the State can not agree, the vote is lost. So when there is a tie vote between the two Houses here in respect of determining which of two votes shall be counted as the vote of Illinois, it is lost. We can not get rid of that difficulty.

Mr. MCPHERSON. The State consents to lose it.

Mr. MORGAN. The State consents to lose it, says the honorable Senator from New Jersey. So when a State fails to provide for the preservation of order within her borders so that she can certify her official acts up to the Congress of the United States, she ought to be put in the category of consenting to be robbed of her electoral power.

This, let it be remarked, is a matter which belongs to and concerns

the States of this country, for the States appoint the electors, and if the States, through negligence or through the cowardice or the treachery of their own officials, do not see proper to preserve the electoral vote in such form as that honest men here can ascertain what is the true voice of the State, let it go as it goes in the case of a tie, as I have mentioned in respect of the State of Illinois.

Mr. President, I did not suppose when this bill was before the Senate in the last Congress that any of us would ever be called upon to discuss its merits again, but I found here among gentlemen on this side of the Chamber a degree of uncertainty in their views of the matter that led me to feel that it was my duty, having been heretofore connected officially by the votes of this side of the Chamber with this subject, to express my views upon it in the feeble way that I have done. I appeal to Senators that they will not, in order to get rid of a difficulty which does arise sometimes and will naturally arise, tear down the limitations of the Constitution, and convert the members of the two Houses into a new electoral body to choose a President and take from the Senate its rightful prerogative to command and control the minority of the body wherever that minority may be found, acting in their capacity as Senators.

It can never be necessary to destroy the Houses of Congress as organized bodies by merging their membership into a new and unauthorized body in order to save to the States or the people the honest results of a Presidential election.

Mr. HOAR. Mr. President——

Mr. SHERMAN. I wish to move that the Senate proceed to the consideration of executive business.

Mr. MAHONE. With the Senator's permission, I beg to make some reports from a committee.

The PRESIDING OFFICER. Does the Senator from Ohio withhold his motion for that purpose?

Mr. SHERMAN. I give way to the Senator from Virginia for the purpose indicated.

ADDITIONAL REPORTS OF COMMITTEES.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, to whom were referred the following bills, reported them severally with amendments:

A bill (S. 230) for the erection of a public building at Worcester, Mass.;

A bill (S. 305) for the erection of a public building at Huntsville, Ala.;

A bill (S. 482) to provide for the erection of a public building in the city of Norfolk, in the State of Virginia;

A bill (S. 453) for the erection of a public building at Jacksonville, Fla.; and

A bill (S. 610) to provide for a building for the use of the Federal courts, post-office, and internal-revenue and other civil offices, and a United States jail in the city of Fort Smith, Ark.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, to whom were referred the following bills, reported them without amendment:

A bill S. 201) to provide for the erection of a public building in the city of Annapolis, Md.;

A bill (S. 228) for the erection of a public building at Camden, N. J.; and

A bill (S. 481) authorizing the partition of certain land in Louisville, Ky., belonging jointly to John Echols and the Government of the United States.

Mr. VANCE, from the Committee on the District of Columbia, to whom was referred the bill (S. 349) for the promotion of anatomical science and to prevent the desecration of graves, reported it with amendments.

REPORT ON COAST DEFENSES.

Mr. DOLPH. I ask leave to make a report at this time.

The PRESIDENT *pro tempore*. The Chair will receive it, if there be no objection.

Mr. DOLPH. The board appointed by the President, under the provisions of the fortification act passed at the last Congress, to report what fortifications and other defenses were most urgently required, &c., filed a report this morning, which was referred to the Committee on Coast Defenses. On behalf of that committee I now report by resolution, and ask that the resolution and the report of the board be referred to the Committee on Printing.

The PRESIDENT *pro tempore*. The resolution reported from the committee will be read.

The resolution was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That 7,000 additional copies of the report of the board of fortifications or other coast defenses be printed; 2,000 for the use of the Senate, 4,000 for the use of the House of Representatives, and 500 each for the War and Navy Departments.

The PRESIDENT *pro tempore*. The resolution will be referred to the Committee on Printing under the rule.

Mr. DOLPH. Together with the report of the board.

The PRESIDENT *pro tempore*. Together with the report of the board.

ADDITIONAL BILLS INTRODUCED.

Mr. CAMDEN introduced a bill (S. 1232) granting increase of pension to John S. Hale; which was read twice by its title, and referred to the Committee on Pensions.

Mr. EVARTS introduced a bill (S. 1233) for the relief of John R. Harrington; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Patents.

Mr. SHERMAN introduced a bill (S. 1234) to remove the charge of desertion from the military record of George W. Stelts; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 1235) granting increase of pension to Joseph W. Rhinehalt; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

EXECUTIVE SESSION.

Mr. HOAR. I call for the regular order.

The PRESIDENT *pro tempore*. The pending bill will be reported by its title.

The CHIEF CLERK. A bill (S. 9) to fix the day for the meeting of the electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President and the decision of questions arising thereon.

The PRESIDENT *pro tempore*. Pending which the present occupant of the chair while on the floor moved that the Senate proceed to the consideration of executive business. The question is on agreeing to that motion.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-three minutes spent in executive session the doors were reopened.

DEATH OF REPRESENTATIVE RANKIN.

Mr. SAWYER. I move that the resolutions from the House of Representatives in regard to the death of Mr. RANKIN be taken up.

The PRESIDENT *pro tempore*. The Chair lays before the Senate resolutions from the House of Representatives, which will be read.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *January* 25, 1886.

Resolved, That the House has heard with sincere regret the announcement of the death of Hon. JOSEPH RANKIN, late a Representative of the State of Wisconsin.

Resolved by the House of Representatives (the Senate concurring), That a special joint committee of seven members of the House of Representatives and three members of the Senate be appointed to take order for superintending the funeral and to escort the remains of the deceased to Manitowoc, Wis.; and the necessary expenses attending the execution of this order shall be paid out of the contingent fund of the House.

Ordered That Mr. BRAGG of Wisconsin, Mr. VAN SCHAICK of Wisconsin, Mr. STEPHENSON of Wisconsin, Mr. GUENTHER of Wisconsin, Mr. CARLETON of Michigan, Mr. HENDERSON of Illinois, and Mr. JOHNSON of New York, be the committee on the part of the House.

Resolved, That the Clerk communicate the foregoing resolutions to the Senate.

Mr. SAWYER. Mr. President, I offer the resolutions which I send to the Chair.

The PRESIDENT *pro tempore*. The resolutions will be read.

The Chief Clerk read as follows:

Resolved, That the Senate has heard with deep sensibility the announcement of the death of Hon. JOSEPH RANKIN, late a Representative from the State of Wisconsin.

Resolved, That the Senate concur in the resolution of the House of Representatives providing for the appointment of a joint committe to take order for superintending the funeral and to escort the remains of the deceased to Manitowoc, Wis., and that the members of the committee on the part of the Senate be appointed by the President *pro tempore*.

The resolutions were agreed to.

The PRESIDENT *pro tempore*. In obedience to the resolution the Chair appoints the Senator from Wisconsin, Mr. SAWYER; the Senator from Kentucky, Mr. BLACKBURN: and the Senator from Arkansas, Mr. JONES, as the committee on the part of the Senate.

Mr. SAWYER. As a mark of respect to the memory of the deceased I move that the Senate do now adjourn.

The motion was agreed to; and (at 4 o'clock and 5 minutes p. m.) the Senate adjourned.

EXECUTIVE NOMINATIONS.

Received this 25th day of January, 1886.

MINISTER RESIDENT AND CONSUL-GENERAL TO COREA.

William H. Parker, of the District of Columbia, to be minister resident and consul-general of the United States to Corea, to fill a vacancy.

DISTRICT JUSTICE OF THE PEACE.

Joseph W. Davis, of the District of Columbia, to be a justice of the peace for the District of Columbia, to reside in Georgetown, D. C., *vice* Jenkin Thomas, deceased.

For appointment in the Army of the United States.

MEDICAL DEPARTMENT.

To be assistant surgeons with the rank of first lieutenants:

Henry S. T. Harris, of Virginia, January 5, 1886, *vice* Maddox, killed in affair with Indians.

Leonard Wood, of Massachusetts, January 5, 1886, *vice* Bartholf, promoted.

For appointment by transfer in the Army of the United States.

First Lieut. Joseph Garrard, of the Fourth Artillery, to be first lieutenant Ninth Cavalry, with rank in the cavalry arm from June 28, 1878.

First Lieut. Thomas C. Davenport, of the Ninth Cavalry, to be first lieutenant, Fourth Artillery, with rank in the artillery arm from June 28, 1878.

For promotion in the Army of the United States.

MEDICAL DEPARTMENT.

Capt. John H. Bartholf, assistant surgeon, to be surgeon, with the rank of major, January 4, 1886, *vice* Goddard, deceased.

FOURTH REGIMENT OF ARTILLERY.

Second Lieut. John R. Totten, to be first lieutenant, January 2, 1886, *vice* Jones, deceased.

SEVENTEENH REGIMENT OF INFANTRY.

Second Lieut. Robert W. Dowdy, to be first lieutentant, December 12, 1885, *vice* Chance, deceased.

CONFIRMATIONS.

Executive nominations confirmed by the Senate, January 25, 1886.

POSTMASTERS.

Thomas Hubbard, to be postmaster at Bellefontaine, in the county of Logan and State of Ohio.

Joseph L. Richards, to be postmaster at Buchanan, in the county of Berrien and State of Michigan.

William M. Kimball, to be postmaster at Lebanon, in the county of Grafton and State of New Hampshire.

INDIAN AGENTS.

Elihu C. Osborne, of Gallatin, Tenn., to be agent for the Indians of the Ponca, Pawnee, Otoe, and Oakland agency, in the Indian Territory.

Fletcher J. Cowart, of Troy, Pike County, Alabama, to be agent for the Indians of Mescalero agency, in New Mexico.

COMMISSIONER OF CUSTOMS.

John S. McCalmont, of Pennsylvania, to be Commissioner of Sustoms.

ASSISTANT TREASURER.

Charles J. Canda, of New York, to be assistant treasurer of the United States at New York city, in the State of New York, in place of John Bigelow, who has declined the appointment.

HOUSE OF REPRESENTATIVES.

MONDAY, *January* 25, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D., as follows:

Almighty and everlasting God, we pray this solemn reminder of our mortality which has come to us in the death of a member of this House may impress every heart and conscience in Thy presence, and move us to give our souls to Him who hath bought us with His own blood, and order our steps in the paths of Thy commandments, that when we pass hence it may be well with us.

We cast upon Thy fatherhood the widow and the orphan children bereaved by this calamity. Cheer them, comfort them, provide for them, O God, and at the end of life's journey bring them to Thy heavenly home with us and with all for whom we should pray. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of Friday last was read and approved.

Mr. BRAGG. Mr. Speaker——

Mr. BLOUNT. Mr. Speaker, if the gentleman from Wisconsin will yield a moment I will ask unanimous consent that a call of the States and Territories for the introduction of bills and resolutions may be had to-morrow, immediately after the reading of the Journal.

There was no objection, and it was so ordered.

DEATH OF MR. RANKIN, OF WISCONSIN.

Mr. BRAGG. Mr. Speaker, the painful duty devolves upon me to announce to this House the death of my friend and colleague JOSEPH RANKIN, a Representative from the State of Wisconsin, who died on yesterday, at his residence, at 2 o'clock p. m. I shall not detain the House at this time with any remarks upon his memory, but at some future time will ask the consideration of the House. At present I submit the following resolutions:

Resolved, That the House has heard with sincere regret the announcement of the death of Hon. JOSEPH RANKIN, late a Representative of the State of Wisconsin.

Resolved by the House of Representatives (the Senate concurring), That a special joint committee of seven members of the House of Representatives and three members of the Senate be appointed to take order for superintending the funeral and to escort the remains of the deceased to Manitowoc, Wis.; and the necessary expenses attending the execution of this order shall be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate the foregoing resolutions to the Senate.

Resolved, That as a mark of respect to the memory of the deceased the House do now adjourn.

The question was taken, and the resolutions were unanimously agreed to.

The SPEAKER. Before declaring the result of the vote the Chair will announce the following as the committee on the part of the House:

Mr. BRAGG of Wisconsin, Mr. VAN SCHAICK of Wisconsin, Mr. STEPHENSON of Wisconsin, Mr. GUENTHER of Wisconsin, Mr. CARLETON of Michigan, Mr. HENDERSON of Illinois, and Mr. JOHNSON of New York.

The result of the vote was announced as above stated; and accordingly (at 12 o'clock and 15 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BELMONT: Five petitions of citizens of New York, asking for the improvement of Peter's Neck Bay, Suffolk County, New York—to the Committee on Rivers and Harbors.

By Mr. BENNETT: Petition of Alexander Oldham, of New Hanover County, North Carolina, praying that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. BLANCHARD: Papers relating to the claim of Victor S. Benoist, administrator—to the same committee.

By Mr. BOUND: Petition and remonstrance of Typographical Union No. 14, Harrisburg, Pa., against the passage of an international copyright law—to the Committee on the Judiciary.

By Mr. C. R. BRECKINRIDGE: Papers relating to the claims of Samuel E. Hammond, of Eleanor D. Branch, of Isabella H. Park, of William Hawkins, and of Bayless E. Cobb—to the Committee on War Claims.

By Mr. W. W. BROWN: Memorial of R. C. Bailey, praying for a joint resolution directing the Postmaster-General to obey the laws of Congress—to the Committee on the Post-Office and Post-Roads.

By Mr. BUTTERWORTH: Petition of Anderson H. Hillman, asking that he be paid bounty due him—to the Committee on Military Affairs.

By Mr. COLE: Petition and papers relating to the claim of J. Vernon Campbell—to the Committee on Claims.

By Mr. COLLINS: Memorial of the National Association of Wool Manufacturers, in favor of the enactment of a uniform bankruptcy law—to the Committee on the Judiciary.

By Mr. CURTIN: Petition of J. Hawk, praying that a pension be granted him—to the Committee on Invalid Pensions.

By Mr. DUNN: Papers relating to the claim of Jeffrey A. Houghton's estate—to the Committee on War Claims.

By Mr. ERMENTROUT: Memorial of William M. Goodman, asking for a pension for Mr. ——— Frees—to the Committee on Invalid Pensions.

By Mr. FORNEY: Papers relating to the claim of John R. Whitlock—to the Committee on War Claims.

By Mr. EUSTACE GIBSON: Petition of E. J. Epling, for pension, to date from the death of her last soldier husband—to the Committee on Invalid Pensions.

Also (by request), petition to pension all soldiers where the United States have been the beneficiary—to the Committee on Pensions.

By Mr. GOFF: Petition of William L. Hays and 129 citizens of Gilmer County, West Virginia, praying for an appropriation for improvement of the Little Kanawa River—to the Committee on Rivers and Harbors.

By Mr. D. B. HENDERSON: Petition of 25 soldiers of the late war who have lost an arm or leg and now living at Milwaukee, Wis., praying for the passage of H. R. 597—to the Committee on Invalid Pensions.

Also, memorial of Mary Wilson and Mary B. Wallis, of Dubuque, Iowa, for an amendment to the act of June 15, 1844—to the Committee on the Public Lands.

By Mr. HEWITT: Petition of residents of New Jersey, in favor of an appropriation of publie lands to aid in the establishment of horticultural schools for girls—to the Committee on *Education*.

Also, resolutions of the Chamber of Commerce of the State of New York, in favor of recognizing the services of Joseph Francis as the inventor of life-saving apparatus—to the Committee on Commerce.

By Mr. HAMMOND: Petitions of James H. Waters and of Joseph Hornsby, of Georgia, asking reference of their war claims to the Court of Claims—to the Committee on War Claims.

By Mr. IRION: Papers relating to the claims of Benjamin Butman, of Cornelius T. Cunningham, of Louis Domminger, of Mrs. Ann Moreau, of William Akers, of Margarette McWaters, of Emma L. Andruss, and of Abram A. Harvey—to the same committee.

By Mr. KETCHAM: Papers relating to the claim of Patrick Carroll—to the Committee on Claims.

Also, papers relating to the case of Frank A. Benter, of Washington, D. C.—to the Committee on Military Affairs.